Chalimbana University

Integrity. Service. Excellence

DIRECTORATE OF DISTANCE EDUCATION

PKC 3401 PEACE KEEPING AND CONFLICT BRESOLUTION

FIRST EDITION 2019

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Assessment

Continuous assessment:	**50%**
Two research papers of equal weight:	**10%**
One Test:	**20%**
One field practical exercise:	**20%**
Examination:	**50%**
Total:	**100%**

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MODULE OVERVIEW

INTRODUCTION

This module introduces students to peacekeeping and conflict resolution as part of the overall training in Policing and Security Studies program. It focuses on deepening students' understanding of peacekeeping operations at the United Nations level. It also enhances students' skills, knowledge and attitudes in conflict resolution, which is, mediating or transforming conflicts of any nature - religious dimension inclusive.

The Module contains eight (8) study Units intended to highlight and discuss peacekeeping as an important element of conflict resolution mechanisms spearheaded by the United Nations.

This module has been prepared to cover the necessary information that is needed whether as civilian or security personnel. At the end of each Unit, there will be found activity questions which students are required to undertake as part of their practice. These activity questions are aimed at enhancing students' understanding of the materials covered in the module.

Rationale

The module will give necessary information that is needed whether as civilian or security personnel in terms of peacekeeping and conflict resolution

Aim:

This course aims to enhance students' skills, knowledge and attitudes in peace-keeping and conflict resolution.

Learning Outcomes

By the end of this course, students should be able to:

1. describe the main features of the United Nations peacekeeping operations,
2. analyze the role of humanitarianism including protection of civilians (PoC) in peacekeeping operations,
3. explain the measures that the United Nations have put in place to combat sexual exploitation and abuse (SEA) during peacekeeping operations,
4. explain different conflict resolution systems or strategies in managing and transforming conflicts.

Summary

It has been noted that conflicts come in different classifications: Intra-state, inter-state, non-state or extra-state conflict. All these types may begin from little things and form a cycle to further conflicts, as it becomes larger and when it erupts, it is difficult to end. You looked at the general overview of conflicts in Africa and further identified several factors that cause conflict with particular attention to the African continent. These included corruption exhibited by most African leaders, poor management and distribution of the vast natural resources, ethnicity and many others.

Study Skills

As an adult learner, your approach to learning will be different to that of your school days: you will choose when you want to study, you will have professional and/or personal motivation for doing so and you will most likely be fitting your study activities around other professional or domestic responsibilities. Essentially you will be taking control of your learning environment. As a consequence, you will need to consider performance issues related to time management, goal setting, stress management, etc. Perhaps you will also need to acquaint yourself with areas such as essay planning, searching for information, writing, coping with examinations and using the internet as a learning resource.

Your most significant considerations will be *time* and *space* i.e. the time you dedicate to your learning and the environment in which you engage in that learning. It is recommended that you take time now before starting your self-study to familiarise yourself with these issues. There are a number of excellent resources on the web. A few suggested links are:

The "How to study" website is dedicated to study skills resources. You will find links to study preparation (a list of nine essentials for a good study place), taking notes, strategies for reading text books, using reference sources, test anxiety.

http://www.ucc.vt.edu/stdysk/stdyhlp.html

This is the website of the Virginia Tech, Division of Student Affairs. You will find links to time scheduling (including a "where does time go?" link), a study skill checklist, basic concentration techniques, control of the study environment, note taking, how to read essays for analysis, memory skills ("remembering").

Time Frame

You are expected to spend at least 18 hours of study time on this module. In addition, there shall be arranged contact sessions with lecturers from the University during Residential School. You are requested to spend your time judiciously so that you reap maximum benefit from the course.

Need Help

In case you have difficulties during the duration of the course, please get in touch with your lecturer for routine enquiries during working days **(Monday-Friday)** from 08:00 to 17:00 hours or consult the University **website:** www.chau.ac.zm. You can also see your lecturer at the office during working hours as stated above.

You are free to utilise the services of the University Library which opens from 07:00 hours to 20:00 hours every working day.

It will be important for you to carry your student identity card for you to access the library and let alone borrow books.

Required Resources: Not Applicable.

References

Prescribed reading:

Bujra, A. (2002) African Conflicts: Their Causes and Their Political and Social Environment [online], [Accessed September, 2016]. http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.678.4533&rep=rep1&type=pdf.

GSDRC (n.d) Understanding Conflicts [online]. Available: http://pjp-eu.coe.int/documents/1017981/7110680/3-Understandingconflict.pdf/0f63c846-6942-4e8f-83c0-3626f2f73dfa[Accessed September, 2016].

Olaosebikan, A. J (2010) Conflicts in Africa: Meaning, Causes, Impact and Solution. African Research Review. Department of History and International Studies, University of Ado- Ekiti, Ado- Ekiti, Nigeria.

Mackintosh, K. (2000) The Principles of Humanitarian Action in International Humanitarian Law [online]. Available: https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/305.pdf [Accessed September, 2016], Overseas Development Institute, London.

Recommended Reading:

ITPCM (2014), Peacekeeping: Trends and Challenges in Africa [online]. Available: http://www.itpcm.dirpolis.sssup.it/files/2014/07/COMMENTARY_PK_ISSUE_JULY_2014.pdf. Pisa. [Accessed September, 2016].

United Nations (2012) Civil Affairs Handbook. United Nations Department of Peacekeeping Operations and Department of Field Support [online]. Available: http://www.un.org/en/peacekeeping/documents/civilhandbook/Civil_Affairs_Handbook.pdf [Accessed September, 2016]. New York.

UNIT ONE

CONCEPTS OF PEACE AND CONFLICT

1.1 Introduction

Welcome to Unit One. The Unit will introduce you to the concepts of peace and conflict in the context of peace-keeping and conflict resolution. As you may very well be aware, peace remains the most important prerequisite for development and without it, there would be no development. Before going into more detail of the peacekeeping concept, there is need to be introduced to the concepts of peace and conflict and justify the importance of peacekeeping as a mechanism or strategy to counter violent conflicts in the quest for peace and peaceful co-existence in the nations of the world.

1.2 Learning outcomes:

At the end of this Unit, students should be able to:

1. develop a good understanding of the concept of peace in relation to the Zambian situation.
2. explain the differences between two categories of peace as highlighted by Johan Gultung.
3. assess the category of peace that is being enjoyed in Zambia.
4. define conflict in different perspectives and debate whether it is bad or good practice.
5. explain the different types of conflict and state which of them is familiar in your community.
6. enalyse the main causes of violent conflicts in Africa and suggest long term solutions to prevent, manage or transform these conflicts.
7. examine the evolution and principles of peacekeeping practices and the role of international institutions, regional and national actors in the contemporary peacekeeping missions.

1.3 Defining Peace

What do you know about peace? Perhaps many of you would think 'peace' is like happiness, love, calmness, justice, serenity, harmony, health and other human ideals, something every person and culture claims to desire and venerate (look up to or admire), but which few of you if any achieve. The questions you may ask yourselves are what 'peace' really is and whether it

can be achieved by anybody. Why is peace, justice and happiness so desirable to you? Can you say Zambia is enjoying peace today or has Zambia or Africa in general ever enjoyed peace?

Perhaps you may think peace is different from happiness, since it seems to require social harmony, whereas happiness appears, at least in Western culture, to be largely an individual matter. There is no one specific definition of peace, many writers have attempted to define this concept, however, keep in mind that even you, can come up with your own definition of peace depending on the context. So far we have used the term "peace" several times more or less with the understanding that the term has a reasonably clear, well understood and agreed upon meaning.

In *Webster's Third New International Dictionary*, for example, the meanings of peace are clearly defined. Firstly, peace is defined negatively as 'freedom from civil clamour and confusion' and positively as a 'state of public quiet' (Webster's 1993: 1660). This denotes negative peace and positive peace in their political sense. Secondly Webster proceeds further to define political peace positively as a 'state of security or order within a community provided for by law, custom, or public opinion.' Webster's second distinct definition of peace is a 'mental or spiritual condition marked by freedom from disquieting or oppressive thoughts or emotions.' Thirdly, peace is defined as a 'tranquil state of freedom from outside disturbances and harassment.' Fourth, peace denotes 'harmony in human or personal relations: mutual concord and esteem' (this is what we can call interpersonal peace).

Next, peace is defined by Webster's as a state of mutual concord between governments: absence of hostilities or war. Johan Gultung, the father of peace studies defines peace as a political condition that ensures justice and social stability through formal and informal institutions, practices, and norms. Several conditions must be met for peace to be reached and maintained:

- ✓ Balance of political power among the various groups within a society, region, or, most ambitiously, the world;
- ✓ Legitimacy for decision makers and implementers of decisions in the eyes of their respective group, as well as those of external parties, duly supported through transparency and accountability;
- ✓ Recognised and valued interdependent relationships among groups fostering long-term cooperation during periods of agreement, disagreement, normality, and crisis;

- ✓ Reliable and trusted institutions for resolving conflicts;
- ✓ Sense of equality and respect, in sentiment and in practice, within and without groups and in accordance with international standards;
- ✓ Mutual understanding of rights, interests, intents, and flexibility despite incompatibilities.

Peace means more than a mere absence of war or hostilities. However, an absence of conflict is impossible. In addition, the state of peace should be distinguished from techniques that simply avoid conflicts or employ violent or coercive approaches to engage in, manage or resolve them. Deriving from the Latin 'pax', 'peace' in the Western World is generally considered a contractual relationship that implies mutual recognition and agreement.

Understandings of peace throughout the world often disclose a much deeper comprehension of peace in relation to the human condition, which also includes inner peace. The comprehensive understanding of peace outlined above extends beyond what are referred to as positive conceptions of peace but acts in accordance with them as well. This contrasts with negative conceptions of peace, which are described most commonly as the mere absence of war or violent conflict. For further reading, see Johan Galtung, 'Cultural violence', Journal of Peace Research, 27:3 (1990), 291–305.

Carter (2011) defines peace as more than the absence of war. There is an inner peace that comes from personal security and personal freedom. Peace also includes the sense of a mother and father that their children will live, that they will have food for them to eat, and that they will not be subject to a lifetime of suffering that could have been prevented. Michael Banks simplifies the exercise of defining peace by putting forward the popular conceptions of peace and critiquing them:

- Peace is not merely the absence of war or manifest violence. It includes something more than the absence of war;

- Peace is where society is characterized by democracy and absence of structural conflict;

- Peace is not necessarily stability or a state of equilibrium;

- Peace as justice and equated to human rights, retributive punishment for past offences and equality of treatment of all groups;

- Peace is not a fixed condition or a particular state of affairs.

You have noticed that in all these definitions of peace that there is no specific and widely recognised definition of the term peace. Many scholars define it differently but express similarity in at least one way. As a scholar of peace, you can also define it in your own way.

1.4 Negative versus Positive Peace

The concept of peace has been categorised into negative and positive, particularly by Johan Galtung. Negative peace refers to the absence of violence or war. When, for example, a ceasefire is enacted, a negative peace will result. It is negative because something undesirable stopped happening, for example, the violence stopped, the oppression ended. Positive peace is filled with positive content such as restoration of relationships, the creation of social systems that serve the needs of the whole population and the constructive resolution of conflict. Peace does not mean the total absence of any conflict. It means the absence of violence in all forms and the unfolding of conflict in a constructive way.

Peace therefore exists where people are interacting non-violently and are managing their conflict positively – with respectful attention to the legitimate needs and interest of all concerned. In the same line, State University of New York Press (2007) distinguishes negative peace and positive peace as: Negative peace, as a concept, focuses on reducing or ending war and all physical violence. Education for negative peace develops a citizenry that is well informed to take action for the achievement of peace through eradicating direct violence and working for disarmament. Examples of education for negative peace include the many skill-based programs that have emerged in the areas of nonviolence and conflict resolution, such as the Resolving Conflict Creatively Program and after-school violence prevention programs in urban schools.

Positive peace on the other side requires the amelioration of all structural and systemic obstacles to peace, and thus the creation of true peace. In addressing the need for justice, equity, democracy, and an end to structural violence, positive peace takes concern beyond the end of war and physical violence. One way to conceptualize the terms negative peace and positive peace is by considering a drinking glass. In society today, the glass is full of violence and war. Removing these forms of violence empties the glass, creating a negative amount of violence; therefore it is termed negative peace, meaning something has been taken away. Now, when that glass is refilled with justice and equality and other values, beliefs, and practices that

counteract structural violence, a state of positive peace is reached. In other words, the glass has been refilled with true peace.

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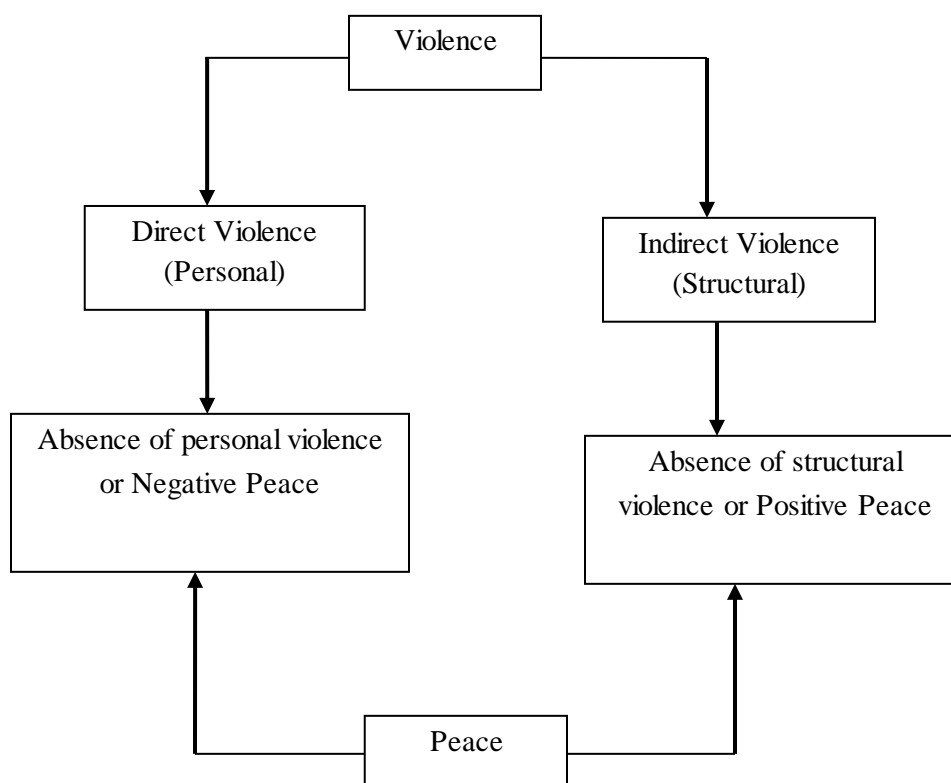
FIGURE 1.1 Negative and Positive Peace. Adapted from Hicks, 1988

Positive peace requires global justice since changes in global society and economic systems are seen as the necessary preconditions for authentic world peace. The major areas of concern to education for positive peace are: (1) problems of economic deprivation and development; (2) environment and resources; (3) universal human rights and social justice. The study of injustice is central to peace education; by exploring issues of inequity and injustice and the structures that perpetuate them, many people begin to understand their place in these structures, thus allowing them to begin self-exploration of their values and behaviours. This questioning of the system and of one's place in the system is requisite for taking action to change the system. Furthermore, identifying options and deciding to take action are empowering acts and are consistent with two goals of peace education: the acquisition of decision-making skills, and the development of a sense of agency.

1.5 Defining Conflict

Even though conflicts are so common, thinking about conflict in theoretical terms only became a recognised field of scholarship after the Second World War. In recent decades, many theories have emerged to describe the phenomenon of conflict that is so much a part of human life. The understanding one has of a conflict is strongly influenced by the way one thinks about the nature of conflict. Definitions of conflict move backwards and forwards between conflict being perceived as a negative or as a positive process. Some of you may present conflict as a natural phenomenon, others as an alien or abnormal happening in social life, and yet others consider it as a necessary condition for the development and growth of individuals and societies.

People are faced with a range of conflict types: they meet it from intrapersonal to international situations; they deal with conflict at home, in educational institutions and at work; they deal with it as it takes place in the social environment around them. Conflict, like change, will always occur given the dynamics of human interactions. It will occur between family members, workers, colleagues, supervisors, between organizations and within organizations up to within a nation. Why is this? Because as individuals we have different interests, goals, perceptions, viewpoints, values and experiences. The paradox of conflict is that it is both the force that can tear relationships apart and the force that binds them together, meaning that conflicts can be either healthy (constructive) or unhealthy (destructive). This dual nature of conflict makes it an important concept to study and understand.

Conflict is a struggle or contest between people with opposing needs, ideas, beliefs, values, or goals. Defined in broadest terms, conflict denotes the incompatibility of subject positions (Diez et al, 2006). This definition emphasises the opposition or incompatibility at the heart of the conflict, and initially leaves open the exact nature of these incompatibilities, i.e. whether they are between individuals, groups or societal positions; whether they rest in different interests or beliefs; or whether they have a material existence or come into being only through discourse. Given this initial definition, conflict is not always characterised by violence.

Yet, conflict might escalate and lead to destructive results, in particular in the form of physical violence that is increasingly seen as legitimate as conflict intensifies. However, conflict can also lead to a new social or political organisation and therefore be productive if the parties involved are able to deal with their incompatibilities so that such a new organisational form is achieved. Another definition of conflict by the Youth Leadership Development Programme

(YLDP) is that it is an issue between two or more parties who have or think they have incompatible goals or ideas. Conflicts may involve deep-rooted moral or value differences, high-stakes distributional questions, or can be about who dominates whom.

Conflicts appear in the case of incompatible positions and can involve activities at local, regional, national and/or international levels. These different scales can engage primary parties (which have formed the incompatibility) and secondary supporting parties (which support one of the primary parties aiming to influence the development of the conflict).

1.6 Types of Conflict

Every conflict is multi-dimensional and there is extensive academic attention to the categorization of the type, the character and the values of conflict. In this module, you will be looking at the following types of conflict in the context of armed conflict.

1.6.1 Intra-State Conflict

This is the most common type of conflict and occurs between the armed forces of the government and an opposing civil organized group, within the state borders. These conflicts are often driven by ethnic, religious or ideological incompatible positions. For example conflicts in South Sudan between government forces and the armed rebel group. You will need to differentiate between intra-state conflict without foreign intervention and intra-state conflict with a foreign intervention, which involves at least one party engaged in the conflict supported militarily or financially by a government of a foreign state.

1.6.2 Inter-State Conflict

This occurs between two states or governments implying their respective two armed forces. The conflict can occur anywhere and often began with a formal declaration. An example of inter-state conflict is the Ethiopia-Eritrea Conflict (1998 - 2000) which broke out in May 1998. This conflict came as a shock to many observers as well as citizens of both countries. The shock derived from the unexpected turns of events that were until the last minute, at least to an external observer, completely undetected because the relation between the two governments following the end of the first Ethiopia-Eritrea war (1961 - 1991) appeared to stand on firm ground.

1.6.3 Non-State Conflict

This is the use of armed forces between two organized groups, neither of which is the government of the state. The state is not a necessary factor in a conflict. Parties to a conflict are often non-state actors. Furthermore, the political violence that emerges in a conflict often comes from groups that do not represent the state. Non-state actors vary from ethnic groups, local militia, armed groups, criminal groups, and often operate across national borders. However, violence from these groups has received less attention in peace and conflict literature.

1.6.4 Extra-State Conflict

Extra-state conflict occurs between a state member of the international system and a political entity (not a system member) outside of its territorial boundaries. Extra-state is: state vs. independent non-state actor. In other words, it is between a state (member of the international system) and a political entity which does not come in the form of a recognized state. This type of conflict can take place outside the boundaries of the state recognized by the international community.

The following are but a few examples of extra-state hostilities in the last thirty years: the conflict between Morocco and the Saharawis in the Western Sahara; the Israeli incursion into Lebanon in 1982 designed to destroy Palestinian bases from which multiple armed attacks across the international frontier had originated; the conflict between India and the Tamil Tigers in Sri Lanka in the late 1980s; the repeated crossings into northern Iraq by Turkish troops in the aftermath of the Gulf War in an attempt to deny Kurdish armed bands a sanctuary in an enclave carved out of Iraq; the conflict between Rwandan forces and Hutu rebels in the Democratic Republic of the Congo; the recent conflict between Israel and Palestinian non-state actors such as Hamas, Islamic Jihad, and the Palestinian Authority and the most prominently, the conflict between the United States and Al Qaeda in Afghanistan.

1.7 Conflicts in Africa

As you have seen earlier on, conflict usually occurs primarily as a result of a clash of interests in the relationship between parties, groups or states, either because they pursuing opposing or incompatible goals. Although the term war is sometimes used as a synonym for conflict, it is more usual to restrict the meaning of war to violent conflict, involving armed forces. But like

war, conflict is and has been throughout history a normal way of conducting disputes between political groups within human society. As David Weeks puts it, "conflict is an inevitable outcome of human diversity and a world without conflict is not desirable, because it would mean a world without diversity."

Africa is a diverse continent – diverse in ethnic, religious and socio-cultural terms. The 1990s saw no diminution (reduction) in the number of conflicts in Africa, and most forecasts predicted further increase. While Africa has had its share of inter-state wars, the majority of its conflicts are internal in nature, and these internal conflicts appear to be increasing, as elsewhere in the world. A tragic factor in this is that the civilian populations bear the brunt of the casualties in such conflicts, estimated at some 80-90 per cent of total casualties across the world. These conflicts cause not only casualties and refugees but contribute vastly to the spread of disease, malnutrition and starvation, social and economic decline and moral deterioration.

Violent conflict in Africa especially in the sub-Saharan Africa has been responsible for the direct and indirect deaths of millions of civilians and has contributed significantly to the low levels of human security in the region. The countries of sub-Saharan Africa that have been embroiled in violent conflict are characterised by abject poverty, inadequate service provision, political instability, retarded economic growth and other challenges to overall development that deter the enhancement of human security. The successful and sustainable resolution of these conflicts represents an enormous barrier to future prosperity in the region.

Moreover, the post-conflict reconstruction of these countries, and those around them, symbolises perhaps the greatest challenge for sub-Saharan Africa. To design and develop successful policy responses and to learn from previous initiatives, it is thus necessary to fully comprehend the concept of conflict and its context. The Horn of Africa, which includes Sudan, contains today about all the problems that are on the world's agenda: ethnic, religious and border conflicts, civil war, high military expenditure, migration and refugees, famine and the break-up of states.

It is a region where the Cold War played itself out, and still deserves a lot of world attention. Robert Kaplan described West Africa as a region that "is becoming the symbol of worldwide demographic, environmental and societal stress, in which criminal anarchy emerges as the real "strategic danger." Events in Liberia, before the election of Charles Taylor and Sierra Leone, before the restoration of the elected government of Tejan Kabbah confirmed this assertion.

South Africa's racial discrimination still rears its ugly head from time to time. North Africa still grapples with Islamic Fundamentalism. Although there are fundamentalist movements and trends in Israel, USA and India, that of North Africa, particularly Algeria, tends to defy any solution as events there have proved since 1992.

1.8 Causes of Conflicts in Africa

Africa has witnessed more conflicts than any other continent in the world. The United Nations security has spent not less than 75% of time and money resolving conflicts and performing humanitarian duties in Africa than any other part of the world. Africa is a vastly varied continent. African countries have different histories and geographical settings, different stages of economic development, different sets of public policies and different patterns of internal and international interactions. Thus, while the discussions refer to conflicts and their causes and possible solutions in the broader African context, in practice attention to conflicts will have to be paid at the individual country level and in the context of specific country circumstances.

Origins of conflicts are manifold (many) and complex, rooted in international and national arenas, and encompassing economic, political, cultural and social parameters. Among the international factors, particularly noteworthy are the consequences derived from the end of the Cold War and its aftermath, as well as the globalization and liberalization of the world economy - which have generated a sense of political and economic insecurity in Africa. On the whole, however, and in the longer run, these factors are likely to be beneficial in bringing about more sustainable political and economic development in Africa.

Conflicts in Africa may be said to have been caused by a multiplicity of factors such as: arbitrary borders created by the colonial powers, heterogeneous ethnic composition of African states, inept political leadership, corruption, negative effect of external debt burden and poverty. It is believed that the colonization of Africa by European powers in the 19th century created political units that divided ethnic groups in some cases and combined rival groups in others. As currently composed, boundaries of most Africa states were arbitrarily drawn without regard to ethnic and cultural affinities.

A major cause of African conflicts has been ethnicity, and it has continued to be so. The creation of new nation-states at the time of independence was accompanied by urgent calls for nation-building by the new African leaders who were well aware of the difficulty in transcending African ethnic and regional loyalties. The European concept of a nation was

exported to Africa. Stephen McCarthy's definition of a nation as 'a complex web of common cultural, social and economic interests among people, leading to a sense that what they share in common is greater than their regional, tribal or other differences' simply reflects features which many African states did not have.

Ethnicity is the most frequently associated with conflict. Given the fact that ethnic cleavages are already deep and political discrimination against minority groups is widely practiced in Africa, ethnicity can be a great trigger to violent conflicts. Ethnicity has bred the feelings of suspicion, hatred and distrust among members of the various ethnic groups in Africa and has no doubt retarded political integration in Africa. It is therefore not surprising to note that at least twice (1967-70 civil wars and 1993 -1999 friction) ethnic rivalry has been the major cause of internal conflicts in Nigeria. Similar stories may also be told of Liberia, Uganda, Rwanda, Burundi, Somalia, Sudan, Congo and a host of other Africa states.

Africa has consistently suffered from the problem of inept leadership as a cause to the conflicts which have retarded political integration and unity in almost all African states. Given the heterogeneous composition of most African states, what they needed most are the virtues of administrative tact, political tolerance and social justice. These essential ingredients are to be provided by the continent's leadership. Unfortunately the realities on the ground in most African nations have revealed that most African leaders are weak corrupt and unpatriotic.

Apart from retarding national integration and socioeconomic developments, the attitudes of these rulers have sparked off widespread bloody violence. Sudanese, Nigerian, Algerian and Liberian civil wars lend credence to the fact that African leaders have failed to forge national unity in their respective countries. From the above observation, Adedeji (1999: 11) asserts that:

What African countries have lacked during most of their history, as independent states are leaders who are unifiers, chiefs in the true sense, who bind wounds, hold everything and everyone together, mobilize and motivate their people, pursue a policy of inclusion rather than exclusion and are seen by one and all to be of the highest integrity and beyond suspicion.

Therefore, African leadership must be acceptable to all sections of the community if the process of integration is not to be halted. A recurrence of conflicts across Africa may continue to be a common phenomenon. One of the major factors responsible for internal conflicts in Africa is the devastating impact of corruption. Corruption, manifested in the embezzlement and

misappropriation of public funds, has paralyzed development efforts and caused a stop in the march towards socio-economic transformation and political integration in Africa.

Africa's resources have been badly managed over the years that masses are fed up with their leaders. This has provoked militant nationalism against African leaders. The result, expectedly, is the unending conflict across African states. Corruption has severe consequences: it generates social unrest; suppresses economic development, and hinders or prevents the establishment of government and financial institutions needed for stability and growth. The Africa Union itself acknowledges the devastating impact of corruption on the political and socio- economic stability of African states.

This perhaps explains the adoption of the "Africa Convention on Preventing and Combating Corruption" by the 2nd ordinary Session of the Assembly of the Union on 11 July 2003. The convention is meant to promote and strengthen the development in Africa by each state party, of mechanisms required to prevent, detect, punish and eradicate corruption in the public and private sectors. Fortunately, anti-corruption strategies are in the works and some progress is encouraging. The World Bank is seeking to reduce corruption through two approaches. The first is to eliminate the monopoly on finances by supporting the establishment of institutions for political and administrative accountability. The second is to change the "Norm" or accepted behaviour.

Both poverty and conflict are related. Poverty can cause conflict while conflict can lead to poverty based on the state of insecurity and bad governance. Many communities in Africa most especially the conflict torn areas are suffering from hunger and starvation. Africa as a continent is seen as a poor continent. A lack of support for basic rights in the region, plus a lack of supporting institutions, as well as the international community's political will to do something about it and help towards building peace and stability has also been a factor. A World Bank report notes that "politics and poverty cause civil wars, not ethnic diversity." It also points out that in Africa; failed institutions are also a cause. It adds that where there is ethnic diversity, there is actually less chance for civil wars, as long as there are not a small number of very large ethnic groups, or ethnic polarization.

A more basic and long-term cause of conflict has been the catastrophic economic performance of many African countries. Coupled with the debt problem, poor flows of private capital into some African countries, and foreign aid programmes often inefficient, as Neil MacFarlane

points out, economic discomfort can bail out into conflict. In 1992, UN Secretary General Boutros Boutros-Ghali stated as the deepest causes of conflict: economic despair, social injustice, and political oppression.

In the midst of poverty, African ruling classes, or the elite group who happen to hold power at a particular time, have enriched themselves and become the targets of envy or of rivalry by other elite groups. Politics is a commercial venture in his own right, as Roger Tangri puts it; conflicts arise not so much out of clashes of ideologies or programmes, but for profit – often for just an elite few, for the masses take little part in this part of conflict: nearly all tribal or ethnic conflicts are rooted in competition between individuals, for the scarce resources of wealth, state and power.

Unlike developed nations, land is important to most Africans for food security and survival. Consequently, land disputes and property rights are factors in many African conflicts. Many such disputes have roots in colonial policies and activities such as artificial colonial boundaries, colonial relocation of Africans, and pre-colonial disputes. Land is also important for access to natural resources. Warring factions seize land to gain access to minerals and cash crops. These become revenue sources to support their interests and objectives. The grab for land often continues well into the peace implementation process.

The blessing of rich natural resources has other ill effects. Abundant natural resources sustain political corruption which creates conditions favourable for violence. Peter J. Boettke, et al, studied disaster recovery in the aftermath of Hurricane Katrina. They analyzed economic development literature to draw a useful observation that may also apply to recurring conflict in Sub-Saharan Africa.

They determined abundant natural resources and foreign aid could actually increase or sustain corruption. Empirical evidence confirms that the degree of natural resources availability is correlated with likelihood of conflict. Government dependence on natural resources for revenue likewise tends to increase the risk of war and thwart peace-building. Collier and Hoeffler refine this somewhat. In their analysis of the economic causes of civil war, they determined that control of natural resources increased substantially the risk of conflicts, but only up to a certain point.

After reaching a higher level, the risk of conflict declined. Natural resource abundance also discourages governments from developing their economies. Furthermore, economies that are

too dependent on natural resources remain fragile and suffer greatly from market fluctuations. The central role of states in determining resource distribution makes it a major target and, when power is over-centralised, it becomes a reason for conflicts. Resource scarcity and control in Africa arise from the natural resources base, population pressures and environmental degradation.

In January 2000 over half of the countries in Africa were affected by conflict. These conflicts have resulted in enormous loss of life, massive displacement and huge costs to the economy, seriously hindering the development of African states. These conflicts clearly need to be tackled to reduce the magnitude of human suffering and address the threat to global security. Lack of respect for the rule of law, human rights violations are some of the common reasons heard for some of the causes of Africa's problems of conflicts.

1.9 Conflict Prevention

The prevention of violent conflict, often referred to as 'conflict prevention', refers to approaches, methods and mechanisms used to avoid, minimise, and/or contain potential violent conflicts. In post-conflict environments, conflict prevention means to prevent violent conflict from re-emerging. Prevention is critical for avoiding the devastation and immense human suffering associated with violent conflict. It is also prudent as the financial and political costs of managing conflict are much higher once violent conflict has already erupted. In addition, there are a broader range of response options available before conflict has fully escalated.

Conflict prevention has also been found to be effective. A reported decline in armed conflict since the Cold War has been attributed in part because of an extraordinary increase in activism by the international community directed toward conflict prevention, peace-making and peace-building. Prevention approaches and mechanisms are generally classified as direct/operational prevention or structural prevention, although there is often overlap. The former refers to short term actions taken to prevent the often imminent escalation of potential conflict (e.g. workshops, dialogue, confidence-building measures, sanctions, coercive diplomacy, special envoys, and preventive deployment); whereas structural prevention entails long term interventions that aim to transform key socio-economic, political and institutional factors that if left unaddressed, could lead to violent conflict in the future.

These long term preventive mechanisms overlap with approaches adopted in the aftermath of conflict in order to prevent a renewal of violence. The UN has introduced a third category of

conflict prevention, 'systemic prevention', to describe measures that address trans-national conflict risks. Most preventive action has been taken in a small number of high-profile cases concentrated in Europe and the Middle East. Asia has received comparatively little attention. The most common tools for early prevention are verbal pronouncements and facilitation; coercive measures are very rarely used.

1.10 Evolution and principles of peacekeeping

To start with, peacekeeping has proven to be one of the most effective tools available to the UN to assist host countries navigate the difficult path from conflict to peace. Peacekeeping has unique strengths, including legitimacy, burden or responsibility sharing, and an ability to deploy and sustain troops and police from around the globe, integrating them with civilian peacekeepers to advance multidimensional mandates of the UN.

UN Peacekeepers provide security and the political and peace-building support to help countries make the difficult, early transition from conflict to peace. There are currently 16 UN peacekeeping operations deployed on four continents. Today's multidimensional peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote human rights and assist in restoring the rule of law. Success is never guaranteed, because UN Peacekeeping almost by definition goes to the most physically and politically difficult environments.

However, the UN has built up a demonstrable record of success over the past 70 years of existence, including winning the Nobel Peace Prize. Peacekeeping has always been highly dynamic and has evolved in the face of new challenges. Recently, Secretary-General Ban Ki-moon established a 17-member High-level Independent Panel on UN Peace Operations to make a comprehensive assessment of the state of UN peace operations today, and the emerging needs of the future.

With this introduction, what do you understand by the term peacekeeping? Peacekeeping involves the coordinated presence of military, police and civilian personnel responsible for a wider range of tasks such as humanitarian assistance, policing, human rights and electoral monitoring, social and economic rehabilitation and reconstruction. Peacekeeping refers to the deployment of national or, more commonly, multinational forces for the purpose of helping to control and resolve an actual or potential armed conflict between or within states.

Another definition of this term peacekeeping is that it is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers. Over the years, peacekeeping has evolved from a primarily military model of observing cease-fires and the separation of forces after inter-state wars, to incorporate a complex model of many elements – military, police and civilian – working together to help lay the foundations for sustainable peace.

Most peacekeeping operations are undertaken with the authorization of, and are often led by, the United Nations (UN) but regional organizations may also conduct peacekeeping operations, and in some cases single states have undertaken such operations as well. Peacekeeping forces are normally deployed with the consent of the parties to a conflict and in support of a ceasefire or other agreed upon peace measures. Peacekeeping forces are therefore usually unarmed or only lightly armed and use the minimum of force necessary and in exceptional times.

Historically, UN peacekeeping emerged during the Cold War as a pragmatic, ad hoc response to conflicts between states where the warring parties were willing to accept the deployment of a neutral third party to help keep the peace and to prevent the resumption of fighting while diplomacy could be pursued to resolve the conflict. The first UN peacekeeping operation, the UN Truce Supervision Organization (UNTSO), was launched in 1948 to monitor the ceasefire agreement between Israel and its Arab neighbours in the wake of the Israeli war of independence that same year.

Because UNTSO, which remains an active operation, involved unarmed military observers, some choose instead to date the first UN peacekeeping operation from 1956, when, in order to facilitate the disengagement of British, French, and Israeli troops from Egypt following the Suez Crisis, the Canadian diplomat Lester Pearson suggested the stationing of a multilateral armed force—what became known as the UN Emergency Force (UNEF)—to help keep the peace until a political settlement could be reached.

From 1948 until 1988, 13 UN peacekeeping operations were established. For their decisive contribution to the resolution of conflict around the globe, UN peacekeeping forces were awarded the Nobel Peace Prize in 1988. Peacekeeping was institutionalized within the United Nations with the establishment of the Department of Peacekeeping Operations (DPKO) in 1992. The thawing (softening) and then the end of the Cold War saw a dramatic surge in the number of UN peacekeeping operations: from 1988 until 2010, the UN launched 50 new

operations. The growth in the number of peacekeeping operations was accompanied by an expansion in the mandated tasks that UN peacekeepers were expected to perform.

From observing, monitoring, and supervising ceasefires, peacekeeping operations now might be required additionally to support the delivery of humanitarian aid; protect civilian populations; assist with the disarmament, demobilization, and reintegration of former armed combatants; supervise and assist with the organization of elections; assist in the restructuring and reform of armed forces and police; promote respect for human rights and investigate alleged human rights violations; help to facilitate the repatriation and resettlement of refugees and internally displaced persons; and strengthen the rule of law, including assistance with judicial reform; among other tasks.

These expanded operations are often referred to as complex, multi-dimensional, or multi-functional peacekeeping to distinguish them from traditional peacekeeping. In a few exceptional cases (e.g., UNMIK in Kosovo and UNTAET in East Timor), the United Nations has even served as the de facto governing authority of a state or territory. There has also been a limited proactive use of UN peacekeeping forces for the purpose of preventing the eruption of armed conflict (e.g., UNPREDEP in Macedonia).

While UN peacekeeping forces have often executed many of these new tasks well, others have been more problematic. UN peacekeeping forces have sometimes been expected to carry out these tasks in hostile environments where the consent of the warring parties has not always been assured. In such cases peacekeeping has often required actions more in line with peace enforcement, and the success of these operations has been very variable as a consequence.

In the former Yugoslavia and Rwanda in the mid-1990s, the limitations of UN peacekeeping were especially evident and the perceived failure of the United Nations in these cases resulted in the attenuation of international support for UN peacekeeping. These difficulties had been anticipated by UN Secretary-General Boutros Boutros-Ghali, who in 1992 called for the establishment of "peace-enforcement units" to deal with challenges that exceed peacekeeping, but such units have never been created. National and multinational forces, such as those of the North Atlantic Treaty Organization (NATO), have sometimes been called upon instead to assist UN peacekeeping operations with enforcement.

Despite these difficulties, support for UN peacekeeping grew again in the late 1990s. By 2010, with nearly 100,000 uniformed personnel in the field, the United Nations was second only to

the United States in the number of deployed armed forces under its command. The surge in global peacekeeping activity has not been limited to the United Nations. The number of peacekeeping operations undertaken by regional organizations doubled between 1995 and 2005. The African Union (AU), the Economic Community of West African States (ECOWAS), the European Union (EU), NATO, and the Commonwealth of Independent States (CIS) all launched major peacekeeping operations of their own in that period, not only in response to increased demands on the United Nations but also out of an interest by these organizations to strengthen their capacity for the management of security challenges in their regions.

1.11 Principles of Peacekeeping

Although the practice of United Nations peacekeeping has evolved significantly over the past six decades, three basic principles have traditionally served and continue to set United Nations peacekeeping operations apart as a tool for maintaining international peace and security: Consent of the parties; Impartiality and Non-use of force except in self-defence and defence of the mandate. Peacekeeping as per its definition - an instrument for peace and security relies on these three mutually reinforcing core principles, which provide a compass to guide peacekeepers in the implementation of their mandates.

These principles are inter-related and mutually reinforcing. It is important that their meaning and relationship to each other are clearly understood by all those involved in the planning and conduct of United Nations peacekeeping operations, so that they are applied effectively. Taken together, they provide a navigation aid, or compass, for practitioners both in the field and at United Nations Headquarters.

1.11.1 Consent of the Parties

Peacekeeping can only take place with the consent of the parties to the conflict. United Nations peacekeeping operations are deployed with the consent of the main parties to the conflict. This requires a commitment by the parties to a political process and their acceptance of a peacekeeping operation mandated to support that process. The consent of the main parties provides a United Nations peacekeeping operation with the necessary freedom of action, both political and physical, to carry out its mandated tasks.

In the absence of such consent, a United Nations peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its intrinsic

role of keeping the peace. In the implementation of its mandate, a United Nations peacekeeping operation must work continuously to ensure that it does not lose the consent of the main parties, while ensuring that the peace process moves forward. This requires that all peacekeeping personnel have a thorough understanding of the history and prevailing customs and culture in the mission area, as well as the capacity to assess the evolving interests and motivation of the parties.

The absence of trust between the parties in a post-conflict environment can, at times, make consent uncertain and unreliable. Consent, particularly if given under international pressure, may be withdrawn in a variety of ways when a party is not fully committed to the peace process. For instance, a party that has given its consent to the deployment of a United Nations peacekeeping operation may subsequently seek to restrict the operation's freedom of action, resulting in a de facto withdrawal of consent. The complete withdrawal of consent by one or more of the main parties challenges the rationale for the United Nations peacekeeping operation and will likely alter the core assumptions and parameters underpinning the international community's strategy to support the peace process.

The fact that the main parties have given their consent to the deployment of a United Nations peacekeeping operation does not necessarily imply or guarantee that there will also be consent at the local level, particularly if the main parties are internally divided or have weak command and control systems. Universality of consent becomes even less probable in volatile settings, characterized by the presence of armed groups not under the control of any of the parties, or by the presence of other spoilers.

1.11.2 Impartiality in Peace Missions

United Nations peacekeeping operations must implement their mandate without favour or prejudice to any party. Impartiality is crucial to maintaining the consent and cooperation of the main parties, but should not be confused with neutrality or inactivity. Impartiality simply means not taking sides to either party to a conflict. United Nations peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate. The need for even-handedness towards the parties should not become an excuse for inaction in the face of behaviour that clearly works against the peace process.

Just as a good referee is impartial, but will penalize infractions, so a peacekeeping operation should not condone actions by the parties that violate the undertakings of the peace process or the international norms and principles that a United Nations peacekeeping operation upholds. Notwithstanding the need to establish and maintain good relations with the parties, a peacekeeping operation must avoid activities that might compromise its image of impartiality.

A mission should not shy away from a rigorous application of the principle of impartiality for fear of misinterpretation or retaliation, but before acting it is always prudent to ensure that the grounds for acting are well-established and can be clearly communicated to all. Failure to do so may undermine the peacekeeping operation's credibility and legitimacy, and may lead to a withdrawal of consent for its presence by one or more of the parties. Where the peacekeeping operation is required to counter such breaches, it must do so with transparency, openness and effective communication as to the rationale and appropriate nature of its response.

This will help to minimize opportunities to manipulate the perceptions against the mission, and help to mitigate the potential backlash from the parties and their supporters. However, even the best and fairest of referees should anticipate criticism from those affected negatively and should be in a position to explain their actions.

1.11.3 Non-use of force except in self-defence and defence of the Mandate

Peacekeepers will refrain from the use of force, except in self-defence and defence of the mandate. The principle of non-use of force except in self-defence dates back to the first deployment of armed United Nations peacekeepers in 1956. The notion of self-defence has subsequently come to include resistance to attempts by forceful means to prevent the peacekeeping operation from discharging its duties under the mandate of the Security Council. United Nations peacekeeping operations are not an enforcement tool. However, it is widely understood that they may use force at the tactical level, with the authorization of the Security Council, if acting in self-defence and defence of the mandate.

The environments into which United Nations peacekeeping operations are deployed are often characterized by the presence of militias, criminal gangs, and other spoilers who may actively seek to undermine the peace process or pose a threat to the civilian population. In such situations, the Security Council has given United Nations peacekeeping operations "robust" mandates authorizing them to "use all necessary means" to deter forceful attempts to disrupt

the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order.

By proactively using force in defence of their mandates, these United Nations peacekeeping operations have succeeded in improving the security situation and creating an environment conducive to longer-term peace-building in the countries where they are deployed. Although on the ground they may sometimes appear similar, robust peacekeeping should not be confused with peace enforcement, as envisaged under Chapter VII of the UN Charter. Robust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict. By contrast, peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council.

A United Nations peacekeeping operation should only use force as a measure of last resort, when other methods of persuasion have been exhausted, and an operation must always exercise restraint when doing so. The ultimate aim of the use of force is to influence and deter spoilers working against the peace process or seeking to harm civilians; and not to seek their military defeat. The use of force by a United Nations peacekeeping operation should always be calibrated in a precise, proportional and appropriate manner, within the principle of the minimum force necessary to achieve the desired effect, while sustaining consent for the mission and its mandate. In its use of force, a United Nations peacekeeping operation should always be mindful of the need for an early de-escalation of violence and a return to non-violent means of persuasion.

The use of force by a United Nations peacekeeping operation always has political implications and can often give rise to unforeseen circumstances. Judgments concerning its use will need to be made at the appropriate level within a mission, based on a combination of factors including mission capability; public perceptions; humanitarian impact; force protection; safety and security of personnel; and, most importantly, the effect that such action will have on national and local consent for the mission.

1.12 Unit Summary

Unit One looks at the conceptions of peace and conflict, as well as the evolution and principles of peacekeeping. On one hand are the categories of peace being both positive and negative and includes the absence of direct violence between states and within states engaged in by military and others actors. Peace is as well the absence of massive killing of categories of humans in particular. All these absences of types of violence mean negative peace has been achieved. Positive peace on the other hand is more desirable than negative peace in that it includes absence of structural violence, massive suffering caused by economic and political structures of exploitation and repression.

On the other hand, the Unit discussed the meaning of conflict; whether it is a good or bad practice including situations when a conflict is termed as constructive or destructive practice. It was observed that conflict is natural and inevitable in one's everyday life. Everyone should experience some form of conflict, either internal or external. Internal conflict associates with mix of emotions that people experience which may lead to misunderstanding to certain subjects and overreacting beyond their point of view. Internal conflict leads to external conflict which involves more people and affects the surroundings. When conflict affects the surroundings, the conflict may become harder to resolve. These conflicts may include; social conflicts, family conflicts, community up to national conflicts and between nations.

It has also been noted that conflicts come in different classifications: Intra-state, inter-state, non-state or extra-state conflict. All these types may begin from little things and form a cycle to further conflicts, as it becomes larger and when it erupts, it is difficult to end. You looked at the general overview of conflicts in Africa and further identified several factors that cause conflict with particular attention to the African continent. These included corruption exhibited by most African leaders, poor management and distribution of the vast natural resources, ethnicity and many others. Lastly, you discussed the concept of conflict prevention as an important tool in conflict resolution spectrum.

Furthermore, we discussed the meaning of peacekeeping operation of the United Nations starting from its evolution to the contemporary peacekeeping operation, understood as the monitoring of cease-fires and buffer zones. Since the establishment of the United Nations in 1945, it has attempted to prevent any conflicts around the world. It cooperates with domestic, regional and other international institutions, particularly NATO, in order to maintain

international peace and security. It should be noted that peacekeeping is usually considered to have emerged after World War II, although there were predecessors in the time of the League of Nations. However, it is not mentioned explicitly in the Charter of the United Nations

We also looked at the principles of peacekeeping operations. It is broadly accepted that the fundamental principles of peacekeeping involves the so-called *'holy trinity'*. The principle of this 'holy trinity' consists of consent of the parties to the conflict, impartiality, and the minimum use of force except in self-defence and defence of the mandate. Firstly, the parties' consent is an important principle of peacekeeping. Peacekeepers must have the consent of the host country that is the government or ruling parties, if not a recognised government. Secondly, peacekeepers should be impartial among the hostile parties. Peacekeepers are deployed solely to control or resolve the conflict.

Peacekeepers must not suggest the interests of one party against those of the other, nor must they take any side in the conflict. Finally, peacekeepers should not use force, or the threat of force. Military forces and observers should carry very light, defensive weapons. However, they have the right to use force in the case of self-defence, when faced with an emergency situation, or to help end hostilities. Such guarantees ensure, for the host countries, that forces are deployed for the purpose of the protection of innocent civilians and the reduction of conflicts. Failure to follow these principles strictly, would diminish the credibility of any peacekeeping operation.

Activity 1

In your own view, what do you understand by the term peace? According to the international community, Zambia is an oasis of peace in Africa. Do you agree or disagree with this statement? Give reasons for your answer.

<center>UNIT TWO</center>

<center>THE UN AND PEACEKEEPING</center>

2.1 Introduction

In this Unit you will be introduced to the United Nations Charter governing the work of peace-keeping operations.

It should be noted that the primacy of the United Nations in peacekeeping keeps increasing with the continuous growing number and complex crises that pose threats to international peace and security, hence the need to critically understand all the important aspects of the missions. In this Unit, further understanding of peacekeeping operations of the UN will be enhanced by learning about the legal framework governing peacekeeping missions, that is, the United Nation Charter.

2.2 Learning outcomes

At the end of this Unit, students should be able to:

1. describe the evolution of the UN charter as the foundational document for all the United Nations work,
2. analyse the specific chapter of the Charter governing the work of peacekeeping operations,
3. discuss the principles and the purposes of the UN Charter,
4. apply the UN peacekeeping code of conduct.

2.3 The Charter of the United Nations

The UN Charter gives the Security Council primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility, the Council can establish a UN peacekeeping operation. UN peacekeeping operations are deployed on the basis of mandates from the United Nations Security Council. Their tasks differ from situation to situation, depending on the nature of the conflict and the specific challenges it presents. The Charter of the United Nations also known as the UN Charter of 1945 is the foundational treaty of the United Nations, an intergovernmental organization.

It was signed at the San Francisco War Memorial and Performing Arts Center in San Francisco, United States, on 26 June 1945, by 50 of the 51 original member countries. It entered into force on 24 October 1945, after being ratified by the original five permanent members of the Security Council - the Republic of China, France, the Union of Soviet Socialist Republics (later replaced by the Russian Federation), the United Kingdom, and the United States and a majority of the other signatories. As a charter, it is a constituent treaty, and all members are bound by its articles. Most countries in the world have now ratified the Charter. The Charter of the United Nations is the foundational document for all the United Nations work.

The United Nations was established to "save succeeding generations from the scourge of war" and one of its main purposes is to maintain international peace and security. Peacekeeping, although not explicitly provided for in the Charter, has evolved into one of the main tools used by the United Nations to achieve this purpose. The Charter gives the United Nations Security Council primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility, the Security Council may adopt a range of measures, including the establishment of a United Nations peacekeeping operation.

The legal basis for such action is found in Chapters VI, VII and VIII of the UN Charter. While Chapter VI deals with the "Pacific Settlement of Disputes", Chapter VII contains provisions related to "Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression". Chapter VIII of the Charter also provides for the involvement of regional arrangements and agencies in the maintenance of international peace and security provided such activities are consistent with the purposes and principles outlined in Chapter I of the Charter.

United Nations peacekeeping operations have traditionally been associated with Chapter VI of the Charter. However, the Security Council need not refer to a specific Chapter of the Charter when passing a resolution authorizing the deployment of a United Nations peacekeeping operation and has never invoked Chapter VI. In recent years, the Security Council has adopted the practice of invoking Chapter VII of the Charter when authorizing the deployment of United Nations peacekeeping operations into volatile post-conflict settings where the State is unable to maintain security and public order.

The Security Council's invocation of Chapter VII in these situations, in addition to denoting the legal basis for its action, can also be seen as a statement of firm political resolve and a

means of reminding the parties to a conflict and the wider United Nations membership of their obligation to give effect to Security Council decisions.

Linking United Nations peacekeeping with a particular Chapter of the Charter can be misleading for the purposes of operational planning, training and mandate implementation. In assessing the nature of each peacekeeping operation and the capabilities needed to support it, troops contributing countries (TCCs) and police contributing countries (PCCs) should be guided by the tasks assigned by the Security Council mandate, the concept of operations and accompanying mission Rules of Engagement (ROE) for the military component, and the Directives on the Use of Force (DUF) for the police component.

The Charter consists of a preamble and a series of articles grouped into chapters. The preamble consists of two principal parts. The first part contains a general call for the maintenance of peace and international security and respect for human rights. The second part of the preamble is a declaration in a contractual style that the governments of the peoples of the United Nations have agreed to the Charter and it is the first international document regarding human rights.

Chapter I sets forth the purposes of the United Nations, including the important provisions of the maintenance of international peace and security. Chapter II defines the criteria for membership in the United Nations. Chapters III–XV, the bulk of the document, describes the organs and institutions of the UN and their respective powers. Chapters XVI and Chapter XVII describe arrangements for integrating the UN with established international law. Chapters XVIII and Chapter XIX provide for amendment and ratification of the Charter.

The following chapters deal with the enforcement powers of UN bodies:

Chapter VI describes the Security Council's power to investigate and mediate disputes; Chapter VII describes the Security Council's power to authorize economic, diplomatic, and military sanctions, as well as the use of military force, to resolve disputes; Chapter VIII makes it possible for regional arrangements to maintain peace and security within their own region; Chapter IX and Chapter X describe the UN's powers for economic and social cooperation, and the Economic and Social Council that oversees these powers; Chapter XII and Chapter XIII describe the Trusteeship Council, which oversaw decolonization; Chapter XIV and Chapter XV establish the powers of, respectively, the International Court of Justice and the United Nations Secretariat. Chapter XVI through Chapter XIX deal respectively with XVI:

miscellaneous provisions, XVII: transitional security arrangements related to World War II, XVIII: the charter amendment process, and XIX: ratification of the charter.

2.4 The UN Charter: The Purposes and Principles

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

You may as an individual have found it very difficult to understand the purposes and principles of the UN Charter, if that is the case, form a study group, study the purposes and principle and summarised them for your easy understanding.

2.5 Peacekeeping Mandates

UN peacekeeping operations are deployed on the basis of mandates from the United Nations Security Council. Over the years, the range of tasks assigned to UN peacekeeping operations has expanded significantly in response to shifting patterns of conflict and to best address threats to international peace and security. Although each UN peacekeeping operation is different, there is a considerable degree of consistency in the types of mandated tasks assigned by the Security Council. Depending on their mandate, peacekeeping operations may be required to:

- Deploy to prevent the outbreak of conflict or the spill-over of conflict across borders;
- Stabilize conflict situations after a ceasefire, to create an environment for the parties to reach a lasting peace agreement;
- Assist in implementing comprehensive peace agreements;
- Lead states or territories through a transition to stable government, based on democratic principles, good governance and economic development.

Depending on the specific set of challenges, UN peacekeepers are often mandated to play a catalytic role in the following essentially peace-building activities:

- Disarmament, demobilization and reintegration (DDR) of ex-combatants;

- Mine action;

- Security sector reform (SSR)and other rule of law-related activities;

- Protection and promotion of human rights;

- Electoral assistance;

- Support for the restoration and extension of State authority;

- Promotion of social and economic recovery and development.

2.6 UN Peacekeeping Operations – Code of Conduct

As you are about to run through the code of conduct in the peacekeeping operations, it is important to note the following opening thoughts that will help you grasp the code of conduct:

Peacekeepers like some of you are powerful because you have money, mobility, force, and access to food, water, and other goods. This causes a power imbalance between the peacekeepers and the host population in the conflict affected areas. As you may know, wearing a uniform brings with it personal responsibility.

Those of you wearing uniforms have a responsibility to the service for which you work to keep the peace in a dignified and civilized manner. The primary responsibilities of uniformed personnel are to uphold the law, respect human rights, and set an example to society. Uniformed personnel are easily identified by the public because of the uniform they wear.

The uniform represents power and force; the person wearing it is usually respected and often feared. A person wearing a uniform usually also has more resources than the local population, especially in conflict zones.

Because of the power and influence that goes along with wearing a uniform, the potential for abuse is present. This abuse can result in disrespect and even disgust for the person who is abusive. It also, by extension, brings disrespect to the service as a whole. Men who abuse alcohol and indulge in sex for money while wearing a uniform can also set a poor example to the public and other men in the service. Therefore, as military or police in peacekeeping missions, you need to abide by the following guiding principles of the code of conduct:

- ✓ Impartiality: Even-handedness. Not being favourable, preferential or supportive of any group, person or plan over another.

- ✓ Integrity: The ability to know and do what is morally right.

- ✓ Respect: Acceptance of others' ways. Giving value to others' rights, customs, behaviours and wishes even if they are very different from your own.

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✓ Loyalty: Unqualified support. Fully and always supporting someone or something even when circumstances or others may challenge this support.

These guiding principles summarise the core values of the UN in its task of maintaining international peace and security. They must be borne in mind by every peacekeeper.

2.7 The Blue Helmet's Code of Conduct

The following ten rules included on the card of the Code of Conduct for the Blue Helmets summarise the "Dos and Don'ts" associated with the four principles previously discussed. As peacekeepers, you should:

1. Dress, think, talk, act and behave in a manner befitting the dignity of a disciplined, caring, considerate, mature, respected and trusted soldier, displaying the highest integrity and impartiality. Have pride in your position as a peace-keeper and do not abuse or misuse your authority.

2. Respect the law of the land of the host country, their local culture, traditions, customs and practices.

3. Treat the inhabitants of the host country with respect, courtesy and consideration. You are there as a guest to help them and in so doing will be welcomed with admiration. Neither solicits nor accepts any material reward, honour or gift.

4. Not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children.

5. Respect and regard the human rights of all. Support and aid the infirm, sick and weak. Do not act in revenge or with malice, in particular when dealing with prisoners, detainees or people in your custody.

6. Properly care for and account for all United Nations money, vehicles, equipment and property assigned to you and do not trade or barter with them to seek personal benefits.

7. Show military courtesy and pay appropriate compliments to all members of the mission, including other United Nations contingents regardless of their creed, gender, rank or origin.

8. Show respect for and promote the environment, including the flora and fauna, of the host country.

9. Do not engage in excessive consumption of alcohol or traffic in drugs.

10. Exercise the utmost discretion in handling confidential information and matters of official business which can put lives into danger or soil the image of the United Nations.

Each peacekeeper is issued one card as a reminder of his personal code of conduct. Read it frequently and do not violate the code. There will be serious personal consequences for you and possibly for the UN mission if you do violate it. Certain privileges and immunities are granted to you as uniformed personnel by the Secretary-General for the performance of your official duties and in the interest of the UN. These privileges are not for your personal benefit. Depending on your category (formed military contingent, Civilian Police, civilian), the immunities and privileges apply in different ways. However, regardless of application, you are still liable to disciplinary action and, in serious cases, criminal proceedings for violations of the Code of Conduct.

2.8 Consequences of Non-compliance to the Code of Conduct

Depending on the level of one's misconduct, Peacekeepers may find themselves subject to one or more of the following consequences:

- Internal Disciplinary Action. May be subject to disciplinary action by the superior officer or supervisor. This may include a verbal or written censure, a reprimand, and/or retraining in a skill area. Military peacekeepers may be subject to the code of military discipline, resulting in fines, detention, repatriation, or dismissal.

- Repatriation/Termination of Contract. May be repatriated to one's home country on the recommendation of the Force Commander or the Special Representative for the Secretary General (SRSG). For a civilian peacekeeper, this may lead to termination of your contract with the UN. No misconduct, however, attractive it may seem, is worth the loss of one's good reputation, job, or career prospects.

- Criminal Proceedings. In very serious cases of misconduct, especially where the laws of the host country have been broken, it may result in one facing criminal proceedings in the host country. The immunities and privileges that UN peacekeepers have do not in any way permit breaking the established laws of the land.

- Financial Liability. In cases of negligent damage or loss of UN property, you may be liable to bear the financial cost of replacement. This money may be sought from a peacekeeper or national contingent, which may in turn take disciplinary action to recover the money from one's salary.

2.9 Summary

In this Unit, we discussed the UN Charter as the legal framework governing the peacekeeping operations globally. It is noted that as an international treaty, the Charter identifies the

maintenance of international peace and security as one of the primary purposes and a central part of the UN mandate. The Charter further designates the Security Council as the UN organ with the primary responsibility for dealing with issues of international peace and security, complemented by the General Assembly and the Secretary-General. In practice, PSOs are instituted and mandated by the Security Council, whereas the Secretary-General reports to the Security Council on the carrying out of operations.

We also looked at the framework (Code of Conduct) that the UN put in place to ensure accountability for the conduct and discipline of all personnel serving in peacekeeping and special political missions. This framework sets forth the roles and responsibilities of, and interactions amongst, each component assigned with responsibilities regarding the conduct and discipline of all personnel in peacekeeping missions. It should also be noted that there are consequences that follow with the violation of the Code of Conduct.Due to complexity of peacekeeping operations, the areas of focus have widened including SSR, mine actions, human rights issues, DDR and other areas depending on the challenges faced at that particular time.

Activity

The UN expects that all peacekeeping personnel adhere to the Code of Conduct and show high level of professionalism in their execution of mandate. What are some of the implications to non-adherence and respect for the code of conduct?

UNIT THREE

PARTNERSHIPS IN THE UN PEACEKEEPING

3.1 Introduction

Welcome to Unit Three. In this Unit we shall examine and highlight the purpose of partnerships of organisations in their operations in the UN peacekeeping as a prerequisite for effective action on the ground.

To strengthen the direction, planning and management of UN peacekeeping, there is the need for renewed partnership based on the unity and cohesion of all stakeholders in the field. In this Unit we shall learn about both the UN or non-UN organisations present in peacekeeping operations of the United Nations.

3.2 Learning outcomes

At the end of this Unit, students should be able to:

1. demonstrate the importance of partnerships in the peacekeeping operations,
2. identify the key partner institutions and their mandate in the peacekeeping operations,
3. discuss the elements/areas addressed in peacekeeping operations that are important aspects of the missions.

3.3 Partnerships in the UN Peacekeeping

It should be noted that the changing nature of conflict and the emergence of new, asymmetric threats have raised the need for stronger and more effective partnerships in peacekeeping operations. But no any single organisation can succeed alone or working in isolation. Today's UN peacekeeping missions are complicated and hence the need for a comprehensive approach for them to be a success.

The success of the UN Peacekeeping is as a result of unique global partnerships. It draws together the legal and political authority of the Security Council, the personnel and financial contributions of Member States, the support of host countries and the accumulated experience of the Secretariat in managing operations in the field. It is this partnership that gives UN Peacekeeping its legitimacy, sustainability and global reach. Increasingly, the UN

peacekeeping work is made possible by the strategic partnerships with other UN entities and regional organizations in creating a common vision, capacity building and cost sharing.

3.4 UNICEF and Child Protection

As the UN's lead agency for children, UNICEF carries a special responsibility for the effective protection of children at all levels, and particularly to ensure timely and adequate response programming, advocacy and services for children. UNICEF also leads the Inter-Agency Standing Committee (IASC) sub-cluster for child protection. As noted above, in situations where peacekeeping or political missions are present, the Security Council has requested that UN missions increasingly play a role on certain aspects of child protection, especially in monitoring and reporting and in dialogue with parties to conflict for commitments to protect children.

Peacekeeping missions also make significant contributions to the collection and verification of information on violations. These tasks are assured by the Child Protection Advisers (CPAs) in missions, in collaboration with other mission components, notably, human rights, UN police and military observers, to ensure the mission's effective contribution to the protection of children. CPAs conduct systematic monitoring and reporting as well as advocacy on the prevention of grave violations against children.

They also act as the secretariat for the preparation of specific reports required by the Security Council under the mechanism established under Security Council Resolution 1612. Within the mission, CPAs serve as the technical level representatives of Special Representatives of the Secretary General (SRSG) and as the primary interlocutors (panellist) with child protection partners.

3.5 UNHCR and Refugees

The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is a United Nations programme mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country. Its headquarters are in Geneva, Switzerland, and it is a member of the United Nations Development Group.

The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-

being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally or to resettle in a third country. UNHCR's mandate has gradually been expanded to include protecting and providing humanitarian assistance to whom it describes as other persons "of concern," including internally displaced persons (IDPs) who would fit the legal definition of a refugee under the 1951 United Nations Convention Relating to the Status of Refugees and 1967 Protocol, the 1969 Organization for African Unity Convention, or some other treaty if they left their country, but who presently remain in their country of origin.

UNHCR presently has major missions in Lebanon, South Sudan, Chad, Democratic Republic of Congo, Iraq, Afghanistan as well as Kenya to assist and provide services to IDPs and refugees in camps and in urban settings.

Peacekeeping has the capacity, under the right circumstances, to separate adversaries, maintain cease-fires, facilitate the delivery of humanitarian relief, enable refugees and displaced persons to return home, demobilize combatants, and create conditions under which political reconciliation may occur and free elections may be held. In so doing, it can help nurture new democracies, lower the global tide of refugees, reduce the likelihood of unwelcome intervention by regional powers, and prevent small wars from growing into larger scale conflicts which would be far more costly in terms of lives and resources.

The United Nations, particularly through its High Commissioner for Refugees (UNHCR), plays a key role in coordinating the international response to refugees, internally displaced persons (IDPs), the stateless persons and the returnees. In many instances, peacekeepers provide security for the return of refugees and the delivery of humanitarian relief by UNHCR and the many government and private voluntary groups that offer assistance.

3.6 Other UN Organisations

Other UN agencies, such as the World Food Programme (WFP), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), United Nations Educational, Scientific, and Cultural Organization (UNESCO), United Nations Population Fund (UNFPA), United Nations Development Fund for Women (UNIFEM), etc., play different roles, in peacekeeping mission globally.

Partnerships with the Member States of the United Nations are at the core of every area of UN peacekeeping. Members of the Security Council lead and strengthen peacekeeping work by establishing mandates and amending our deployments to respond to emerging developments on the ground. Troops and police as well as equipment are generously provided by Member States. The General Assembly is responsible for decisions relating to the financing of our operations.

Creative partnerships with international and regional organizations are becoming a regular feature in UN Peacekeeping. Some recent examples include the UN working with the African Union (AU) in Darfur, alongside the North Atlantic Treaty Organization (NATO) in Kosovo and Afghanistan, as well as succeeding a European Union (EU) military operation in Chad and handing over policing operations to the EU in Kosovo.

3.7 Elements of Peacekeeping Missions

Peacekeeping operates within a changing physical, social, economic and political environment and hence need to be flexible to address a changing set of issues. The peacekeeping missions work with or around the following elements in partnership with other organisations:

Military, Police, Civil affairs, Rule of law, Electoral assistance, Security Sector Reform, Mine action, Gender and peacekeeping, Field support, Protection of civilians, Environment and sustainability, Disarmament, demobilization and reintegration, Children in conflict and Human rights.

United Nations military personnel are the Blue Helmets on the ground. They are contributed by national armies from across the globe. Every day, UN military personnel are on patrol, providing vital security and stability in missions around the world. United Nations Police have an important role in promoting peace and security. Every day UN policemen and women reinforce and re-establish security by patrolling communities, advising domestic police services, ensuring compliance with international human rights standards and restoring and promoting public safety and the rule of law.

The UN has been deploying police officers for service in peace operations since the 1960s. Traditionally, the mandate of police components in peace operations was limited to monitoring, observing and reporting. From the early 1990s, advisory, mentoring and training functions were integrated into the monitoring activities. This was to allow peacekeeping operations to act as a

corrective mechanism with domestic police and other law enforcement agencies. Civil Affairs is one of the largest civilian components in UN Peacekeeping. As of January 2015, there are about 950 Civil Affairs Officers in 12 UN Field Missions worldwide.

Peacekeeping missions work around the area of elections. Credible and transparent elections are one of the key first steps for post-conflict societies to establish long lasting peace and security. UN Peacekeeping assists election processes in many ways including through the provision of security, technical advice and logistical support. Once the parties to a conflict agree to cease fighting, the holding of elections is often written into the peace agreement, and represents a major step in establishing a legitimate State.

UN Peacekeeping operations are often mandated to play a direct role in this process. In recent years, UN Peacekeeping has provided crucial technical and logistical assistance in milestone elections in many countries, including in the DR Congo, Côte d'Ivoire, Afghanistan, Liberia and the Sudan.

Peacekeeping missions also work around the area of security sector reform. It is essential that reform of a country's security sector takes place once a conflict has come to an end. It is vital for sustainable peace and development that people feel safe and secure, and has confidence in their State. Security Sector Reform (SSR) is a core element of multidimensional peacekeeping and peace-building, essential for addressing the roots of conflict and building the foundations of long-term peace and development. The aim of UN assistance to SSR is to help ensure people are safer through effective and accountable security institutions that operate under civilian control within a framework of the rule of law and human rights.

The UN considers that security sectors usually include structures, institutions and personnel responsible for the management, provision and oversight of security. These could include defense, law enforcement, corrections, intelligence services and institutions responsible for border management, customs and civil emergencies. In some cases, elements of the judicial sector responsible for cases of alleged criminal conduct and misuse of force are included. The security sector should also include management and oversight bodies and, in some instances, may involve informal or traditional security providers.

Peacekeeping missions also work around the area of Disarmament, Demobilization and Reintegration (DDR). Disarmament, demobilization and reintegration have become an integral part of post-conflict peace consolidation, featuring prominently in the mandates of

peacekeeping operations over the last twenty years. DDR activities are crucial components of both the initial stabilization of war-torn societies as well as their long-term development. DDR must be integrated into the entire peace process from the peace negotiations through peacekeeping.

Disarmament is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons from combatants and often from the civilian population. Demobilization is the formal and controlled discharge of active combatants from armed forces and groups, including a phase of "reinsertion" which provides short-term assistance to ex-combatants. Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. It is a political, social and economic process with an open time-frame, primarily taking place in communities at the local level.

The objective of the DDR process is to contribute to security and stability in post-conflict environments so that recovery and development can begin. DDR helps create an enabling environment for political and peace processes by dealing with security problem that arises when ex-combatants are trying to adjust to normal life, during the vital transition period from conflict to peace and development. DDR supports ex-combatants to become active participants in the peace process through:

- ✓ Removing weapons from the hands of combatants;
- ✓ Taking the combatants out of military structures;
- ✓ Integrating combatants socially and economically into society.

Peacekeeping missions also work around the area of children in conflict. In protecting children, who have known violence throughout their lives, peacekeepers can break the cycle of violence and lay the foundations for durable peace. Conflicts disproportionately affect children. Many are subject to abductions, military recruitment, killing, maiming and numerous forms of exploitation children. In many conflict-ridden countries, peacekeeping missions are the largest actor on the ground and their contribution is vital to protecting children.

Peacekeeping missions also work around the area of human rights. Human rights are a core pillar of the United Nations. All staff in peace operations has the responsibility to ensure the protection and promotion of human rights through their work. Most multi-dimensional peace operations have a human rights team including: MONUSCO (DR Congo), UNAMID (Darfur),

UNMISS (South Sudan), UNMIL (Liberia), UNOCI (Côte d'Ivoire), MINUSTAH (Haiti) and UNAMA (Afghanistan). The goals of a human rights team are:

- To contribute to the protection and promotion of human rights through both immediate and long-term action;
- To empower the population to assert and claim their human rights;
- To enable State and other national institutions to implement their human rights obligations and uphold the rule of law.

The Office of the High Commissioner for Human Rights (OHCHR) provides expertise, guidance and support to these human rights teams. The head of the human rights team is the advisor to the Head of Mission and also the representative of the High Commissioner for Human Rights in-country. Other Core activities undertaken by the human rights section typically include:

- Human rights monitoring, investigations and analysis;
- Preventing human rights violations, including through mission-wide early warning mechanisms;
- Responding to violations of human rights, including support for accountability;
- Advocacy, intervention and reporting;
- Human rights advice, support for institutional reform and capacity building, working closely with host governments, national institutions and civil society;
- Advising and assisting other mission teams in integrating human rights in their mandated tasks.

The other area of the peacekeeping mission is mine action. Mine action entails more than removing landmines from the ground. It includes high impact efforts aimed at protecting people from danger, helping victims become self-sufficient and active members of their communities and providing opportunities for stability and sustainable development. The objective of mine action is to identify and reduce the impact and risk of landmines and explosive hazards to a level where people are safe.

Protection of civilians is yet another area incorporated in peacekeeping missions. Civilians have increasingly become the victims of armed conflict. In response, the Security Council has mandated a number of peacekeeping operations with the protection of civilians (PoC) from

physical violence. Protection of Civilians (PoC) is a core function of contemporary peacekeeping operations. Platform for PoC are: sexual violence against women, violence against IDPs and refugee camps, limited access, targeting of humanitarian staff, impunity – local capacity for rule of law, participate in political negotiations and prosecution of individuals.

3.8 Unit Summary

In this Unit, we have described the importance of renewed partnerships among a myriad of organisations present in peacekeeping operations. We have looked at the role of some UN organisations, which may be termed as the United Nations Country Team (UNCT) in the Mission. Some of those institutions include UNICEF, UNHCR, WFP, IOM and its migration program and others include UNDP, UNFPA. The UN Country Team facilitates and provides coordination among all UN agencies operating in the peacekeeping missions with the main aim of delivering clear and solid results of the corresponding plan of action on a national, progressive, humanitarian and political level.

In multi-dimensional UN peacekeeping operations, the UN adopts an 'integrated approach' for all parts of the UN system that are active in that country. This means that the UN peacekeeping operations and UN Country Team should work towards the same strategic vision.

Contemporary or the multi-dimensional peacekeeping operations as opposed to traditional peacekeeping works around many areas of operation including human rights, DDR, SSR, protection of civilians, refugees and IDPs including facilitating solutions to refugee crises in this case, repatriation programs and providing security while in a state of limbo. One of the areas of mandate of UN peacekeeping missions is that of child protection. In protecting children, who have known violence throughout their lives, peacekeepers endeavour to put all necessary efforts to break the cycle of violence and lay the foundations for durable peace and unification of these children with their families.

Activity

UN and non UN organisations play an important role in peacekeeping missions in achieving their respective mandates. Why have the renewed partnerships become important part of the UN peacekeeping missions?

<center>UNIT FOUR</center>

<center>HUMANITARIAN ASSISTANCE IN PEACEKEEPING OPERATIONS</center>

4.1 Introduction

We learnt in Unit Three the importance of partnership in the peacekeeping missions and the areas addressed by stakeholders in peacekeeping missions. In this Unit you will be introduced to the importance of humanitarian assistance in peace-keeping operation.

Humanitarian assistance is of a particular importance in contemporary peace missions. The shift in armed conflict from inter-state to predominantly intra-state conflicts has seen a growing progression of sophistication in the type of United Nations peacekeeping operation that has been mounted to address these prevailing conflicts. This Unit will now help you understand humanitarian assistance, who is offering it and its role in peacekeeping missions.

4.2 Learning outcomes

At the end of this Unit, students should be able to:

1. demonstrate the importance of humanitarian assistance in the peacekeeping operations,
2. define different terms used in humanitarianism,
3. identify the main actors in the field of humanitarian relief and strategies in the peacekeeping operations,
4. discuss the International Law applicable in the UN peacekeeping Operations.

4.3 Humanitarian Action

Discussions of humanitarian and peacekeeping activities often disclose fundamentally different concepts of their relationship. In the view of some, humanitarian action takes place squarely within peacekeeping operations, lodged fully within the political practice of the United Nations. Others envision humanitarian efforts integrated within but nevertheless insulated from the surrounding political framework. Still others approach humanitarian efforts as free-standing initiatives, structurally independent of peacekeeping activities. The United Nations itself was established in a post-conflict setting, namely in the aftermath of World War II, one of the most devastating conflicts in history. Up to this day, humanitarian assistance and peacekeeping represent some of the UN's greatest - and toughest - field operations and responsibilities.

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The volume of humanitarian assistance has increased significantly since the end of the Cold War, alongside the number of actors providing such assistance. Humanitarian actors are expected to base their assistance on certain fundamental humanitarian principles. They can also seek guidance for their work in various sources of international humanitarian law. Humanitarian assistance represents a commitment to support vulnerable host populations that have experienced a sudden emergency, requiring ongoing assistance to maintain or improve their quality of life. With this preamble, what then is the meaning of humanitarian assistance and how is it applied in peacekeeping missions?

4.4 Common terms used in Humanitarianism

Humanitarianism is the desire to prevent or alleviate human suffering wherever it may be found, whether resulting from natural disasters or by situations of conflict – interchangeably referred to as complex political emergencies (CPE).

Humanitarian assistance deals with the effects of natural disasters and man-made crises. It refers to a means of mitigating the human damage caused by natural catastrophes, armed conflicts and other disasters by providing immediate assistance and support. However, the term assistance could be interpreted by many as exclusively pertaining to providing material aid (e.g. food, shelter and medical aid). In the case of violent conflicts, civilians and refugees could need additional protection (Sida, 2005). Humanitarian Assistance embodies a range of practical activities and legal principles that seek to save life, alleviate human suffering and maintain human dignity in accordance to international humanitarian law (IHL), refugee law and human rights law.

It also brings another dimension of diplomacy. In recent years, however, there has been widespread discussion regarding the role of humanitarian aid, together with a re-evaluation of how this aid is provided, particularly in complex political emergencies. In the context of armed conflict, humanitarian assistance has practical concern for protecting the lives and dignity of non-combatants - either as civilians, refugees or others who are no longer actively participating in violence. To this end, humanitarianism is not confined to one or two narrow forms of activity but is free to pursue a wide range of activities in order to protect people's rights and meet their needs in war. The main condition upon such humanitarian activity is that it should not provide relief and protection in such a way as to disadvantage one or other side in the conflict.

Humanitarian Engagement is the involvement of humanitarian agencies and organizations within a Complex Emergency to deliver protection, assistance and relief. Humanitarian agencies are those agencies whose personnel are practically concerned with impartial humanitarian activities as described above and who actively engage in the protection and assistance of civilians, refugees and other non-combatants suffering as a result of armed conflict.

Humanitarian agencies, therefore, include a wide array of different organizations – international, national and local. Some of these agencies, like the International Committee of the Red Cross (ICRC), UNHCR and Médecins Sans Frontières (MSF), are solely humanitarian agencies in that their activities are only concerned with humanitarian work in or around armed conflict and political violence. Other agencies, however, pursue humanitarian activity alongside other objectives and can thus be described as "multi-mandate" organizations. International agencies like OXFAM, Co-operative for Assistance & Relief Everywhere (CARE), and International Rescue Committee (IRC) represent such organizations for which humanitarian work is only one aspect of a wider mission around suffering and poverty.

Similarly, Christian churches and other religious organizations frequently pursue humanitarian activities as a practical expression of their values alongside other objectives. Doing other things and having wider organizational objectives beyond humanitarianism in armed conflict does not preclude an organization from being a humanitarian agency in a given situation of armed conflict. The Steering Committee for Humanitarian Response (SCHR) defines humanitarian agencies as 'all those operational organizations whose work is based upon the principle of humanity.

The number of people affected by humanitarian crises has almost doubled in the past decade. The United Nations and its partners continue to respond to humanitarian needs and emergencies resulting from conflict and/or global challenges such as climate change and environmental degradation. The UN Office for the Coordination of Humanitarian Affairs (OCHA), part of the United Nations Secretariat, brings together humanitarian actors to ensure a coherent response to emergencies, by mobilizing and coordinating effective and principled humanitarian action, advocating the rights of people in need, promoting preparedness and prevention, and facilitating sustainable solutions.

4.5 International Law applicable to UN Peacekeeping Operations

The volume of human suffering has dramatically increased in the years following the end of the cold world war. This increased human vulnerability in crisis situations, particularly in complex emergencies is tied to the changing nature of conflicts from international to non - international nature. Today's armed civil conflicts are increasingly characterized by active and deliberate targeting of civilian population, including humanitarian workers, widespread human rights abuses, the use of rape and other crimes of sexual violence as brutal weapons of war. Women and children are being used increasingly by parties to the conflict in furtherance of military objectives.

Women, men and children have often survived serious human rights violations. They may have been tortured, raped, arbitrarily detained, and sometimes not even recognised as citizens of any country. To ensure that their specific concerns are addressed and that they do not face any further human rights abuses, it is essential to understand the legal framework that can protect them. Understanding this framework also assists in ensuring that humanitarian operations are designed to improve the quality of protection available to these vulnerable populations. The international legal framework or the international law applicable in armed conflict is primarily composed of four interrelated and mutually reinforcing sets of rules:

4.5.1 International Human Rights Law (IHRL)

International human rights law (IHRL) comprises a set of rules, established by treaty or custom, that outlines the obligations and duties of states to respect, protect and fulfil human rights. It enables individuals and groups to claim certain behaviour or benefits from government. IHRL contains a number of provisions relevant to humanitarian assistance, including the right to life, the rights to food and water, the rights to essential medications, medical care and sanitation, the rights to adequate clothing and other necessities, and the rights to equality and non-discrimination.

Displaced persons who remain within the borders of their own country referred to as internally displaced persons (IDPs) are not protected by international refugee law. However, they can benefit from IHRL and IHL in the case of an armed conflict. International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses.

The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The domestic legal system, therefore, provides the principal legal protection of human rights guaranteed under international law. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.

Using terminology borrowed from the main international human rights treaties, it is not clear whether UN Peacekeepers must not only respect but also "ensure" respect for IHRL by others. This raises questions such as whether UN peacekeeping operations have duties in relation to preventing non-State actors (e.g. rebel forces), and potentially even State actors (e.g. military), from committing human rights violations in the area in which the mission is operating and the ability to act.

The key issue is the extent to which UN peacekeeping missions can be obliged to prevent human rights violations by other actors within their field of operation. In short, it is very difficult to ascertain the extent and scope of the application of IHRL to UN Peacekeeping operations (UNPKOs). This results in a lot of uncertainty at mission level. This has become an increasingly important issue as UNPKOs have found themselves operating in territories such as the eastern DRC where there is a lack of State control. In such instances, to what extent should the UN be "ensuring" respect for human rights in its areas of operation? There have also been increasing numbers of cases involving allegations that UN peacekeepers have committed human rights violations.

4.5.2 International Refugee Law

International refugee law is a set of rules and procedures that aims to protect, first, persons seeking asylum from persecution, and second those recognized as refugees under the relevant instruments. Its legal framework provides a distinct set of guarantees for these specific groups of persons, this legal protection overlaps to a certain extent with international human rights law as well as the legal regime applicable to armed conflicts under international humanitarian law.

It encompasses a set of rules that are established by treaty or custom, with the aim of providing protection and assistance to individuals called refugees who have crossed an international border and are at risk or victims of persecution in their country of origin. This law establishes the main

rights and obligations of refugees as well as the treatment to which they are entitled to by the country of asylum.

The main sources of refugee law are treaty law, notably the 1951 Convention relating to the status of refugees (1951 Refugee Convention) and its 1967 Protocol, and customary international law. Customary international law applies to all states irrespective of whether they are a party to relevant treaties or not. Regional instruments represent a further set of protections, particularly the 1969 Organization of African Unity Convention (for Africa) and the 1984 Cartagena Declaration (for Latin America).

4.5.3 International Criminal Law

The principle that individuals are and can be held criminally accountable for violations of the laws of war dates back to many years. However, it was only after World War II and the Nuremberg and Tokyo trials, set up to judge those German and Japanese military leaders accused of serious crimes during the war, that the idea of individual criminal responsibility for serious breaches of international law gained ground.

International Criminal Law (ICL) is a relatively new body of law that prohibits certain categories of conduct viewed as serious atrocities primarily war crimes, crimes against humanity and genocide and seeks to hold accountable individual perpetrators of such conduct. It functions through international ad hoc tribunals, mixed tribunals, the International Criminal Court and national courts.

4.5.4 International Humanitarian Law (IHL)

International Humanitarian Law (IHL) which forms a major part of public international law that regulates relations between States, international organizations and other subjects of international law. IHL forms the foundation of humanitarian action in armed conflict and it is critical for parties to conflict, humanitarian coordinators and other humanitarian actors to understand its sources, principles and obligations. Linked to this, is an understanding of what constitutes armed conflict and the variety of laws and obligations for both parties to the conflict and humanitarian actors which exist in international and non-international armed conflict.

According to International Committee of the Red Cross (ICRC), International Humanitarian Law is a branch of public international law that consists of rules that, in times of armed conflict, seek, for humanitarian reasons, to protect persons who are not or are no longer directly participating in

the hostilities, and to restrict means and methods of warfare. In other words, IHL consists of international treaty or customary rules, that is, rules emerging from State practice and followed out of a sense of obligation that are specifically meant to resolve humanitarian issues arising directly from armed conflict, whether of an international or a non-international character.

4.6 Unit Summary

In this Unit, we discussed humanitarian assistance and its importance in the peacekeeping missions. You may recall that men, women and children are trapped in the midst of war and armed conflict, the UN through the Secretary-General and his representatives help negotiate zones of peace or humanitarian corridor for the delivery of humanitarian aid to those trapped in violent conflicts. It was also noted that UN peacekeepers have an important role to protect the delivery of that aid to the vulnerable peoples— whether provided by members of the UN system or such humanitarian bodies as the International Federation of Red Cross and Red Crescent Societies.

We further examined the international law applicable in the peacekeeping missions that facilitate free flow of humanitarian aid as well as bind parties to a conflict. This law constituted IHL, IHRL, IRL as well as ICL. You also understood that international law is of great importance in peacekeeping missions leading to a debate in answering the question: Does international law permit unilateral or collective resort to force in order to remedy a situation of wide-scale deprivation of the most fundamental human rights committed by a state against its own nationals, or by one state against the nationals of another state? You also noted that peacekeeping attempts to overcome a coordination problem between the two adversaries in providing zone of peace for delivery of aid. The peacekeeper seeks to ensure that both parties to a conflict understand the agreed-upon rule which is the international law and that compliance with or deviation from these rules is made transparent.

Activity

Explain what is meant by the term humanitarian assistance and give examples of UN organisation that provided humanitarian assistance. Explain how international law protects both civilians and combatants who are no long participating in hostilities?

UNIT FIVE

INTERNATIONAL HUMANITARIANISM

5.1 Introduction

In this Unit, we will examine international humanitarianism and the main actors – Local and international including the private sector. The Unit will help you in understanding the challenges humanitarian aid workers who are actively engaged in the field face. The Unit will also assist you in identifying and assessing the vulnerable populations in complex situations.

5.2 Learning outcomes

At the end of this Unit, students should be able to:

1. explain the importance of humanitarianism in peacekeeping missions and identify examples of good practices amongst the actors in humanitarian action,
2. examine the humanitarian principles and how they can be used to prevent humanitarian crises,
3. demonstrate the importance of Non-governmental Organisations in providing assistance during peacekeeping operations,
4. discuss the challenges that humanitarian actors face in providing assistance during peacekeeping missions.

5.3 Key Actors in International Humanitarianism

The international 'humanitarian system' includes a wide range of agencies and organisations responding to emergencies. If a government requests and/or accepts external assistance, a variety of international humanitarian actors may be asked to support disaster response. These organisations and agencies can be categorised into the following groups: the UN, Red Cross and Red Crescent Movement, regional intergovernmental bodies, non-governmental organizations (NGOs), assisting Governments, and the private sector. Below is a short description of these different categories of international humanitarian actors.

5.3.1 The United Nations (UN)

The UN Charter establishes the UN's main structures and how they work together, with the guiding principles which form the legal and moral basis for the UN's activities and outlines behavioural norms between states. Adopted on 26 June 1945 in San Francisco, United States, the UN officially came into existence on 24 October 1945. In the recent years, the UN has undergone drastic transformation, making its presence in the field more vivid. As a result, the UN attempts to achieve greater harmonization of the agendas of its key players such as its specialized agencies.

UN Funds, Programmes and Specialized Agencies have their membership, leadership and budget processes separate to those of the UN Secretariat, but are committed to work with and through the established UN coordination mechanisms and report to the UN Member States through their respective governing boards. The UN agencies, most of which also have pre-existing development-focused relationships with Member States, provide sector-specific support and expertise before, during and after a disaster. The main UN agencies with humanitarian mandates include FAO, IOM, OCHA, UNDP, UNFPA, UNHCR, UNICEF, UN Women, WFP and WHO, which support disaster response across needs, from shelter, protection, food security, health, nutrition, education and livelihoods to common services like coordination, logistics and telecommunications.

The senior UN official in a country is usually designated as the Resident Coordinator (UN RC) - the primary focal point for a Government's engagement with the UN system. In some cases, the designation of Humanitarian Coordinator (HC) may also be given to a UN official, making that person the primary focal point for interaction between Government, UN and non-governmental actors working in the humanitarian field.

5.3.2 Civilian Peacekeepers/Military/Police

Given the nature of today's intrastate conflicts, providing humanitarian assistance is often an integral component of many peacekeeping operations. Similarly, in a protective engagement mission, permitting the aid workers to provide assistance is the primary objective. Where military intervention is required, the military forces, civilian authorities, and humanitarian agencies are likely to be working side-by-side to bring assistance and protection to populations at risk.

This engagement has ranged from the provision of armed protection for humanitarian convoys to the direct implementation of relief aid distributions. As the UN's Office for the Coordination of Humanitarian Affairs (OCHA) puts it, there is an 'evolution of military thinking in regard to the provision of humanitarian aid and services'. Nonetheless, this hierarchical military and diverse

humanitarian culture has been a source of significant tensions. The problem is usually emanating from how military means could be supported, supplemented and coordinated with civilian instruments for peace restoration and stability.

Many governments deploy their national military assets in both domestic and international contexts to assist in the response to emergencies. Military actors may have superior logistical capabilities and resources as well as the ability to respond very quickly at scale, which can be extremely valuable during major disasters where infrastructure is damaged. In the last decade, military functions in conflict situations have expanded to incorporate a range of tasks related to humanitarian goals, including support for humanitarian and rehabilitation efforts and the protection of civilians.

There is a lengthy history of countries deploying their militaries to assist with the response to emergencies internationally. Such assets represent a substantial addition to the resources and assets deployed by humanitarian organisations, which could never possess such capacities, logistical or otherwise. International military actors have also become direct implementers and donors of humanitarian assistance in the last decade in situations where they are party to a conflict, in particular in Iraq and Afghanistan, through Provincial Reconstruction Teams (PRTs) and through the US government's Commander's Emergency Response Program (CERP).

5.3.3 Non-Governmental Organizations (NGOs)

Although most of the humanitarian efforts have been carried out under auspices of the UN, regional bodies, and governments, NGOs of many types, with diverse capacities and agendas, have also played important roles. NGOs are crucial to humanitarian relief due to their own perspective and knowledge of conflict and they are a constant reminder to the UN about the need for the global body to continue rendering greater support to those in the field. However, NGOs have not been spared by critiques who view them as service providers for donor agencies rather than as programming agencies in their own right.

They are seen as vessels of western governments who are using humanitarian excuse to mask their inaction in resolving conflicts. But the reality is that, though government grants go to the major UN aid agencies such as UNICEF, UNHCR, and WFP, these agencies in turn sub-grant much of it to NGOs to do most of the actual implementation of services or delivery of goods at community level. The enhanced role of NGOs, in other words, is a practical manifestation of another formula for dealing with state sovereignty. Also, it is an indication of the changes in the North – South

relations, in which NGOs in the South have had the ability to form contracts directly with the people rather than states.

They are capable of by-passing local states and bring the plight of civilians directly into international arena. In this regard, NGOs have become vital part of the intervention mechanism, either in conjunction with peacekeeping forces or in prevention and peace-building tasks. As NGOs implement and constitute the main interface between relief and the beneficiaries, improved leadership of the UN system - military, political and humanitarian agencies is faced with numerous challenges.

5.3.4 The Red Cross movement

The Red Cross is the best known of all humanitarian agencies. Its existence is linked to the experiences of a Swiss citizen, Jean Henri Dunant, who witnessed the horrors of warfare in Italy, and particularly at the battle of Solferino in 1859. His book, Un Souvenir de Solférino, published in 1862, reached a wide audience, where he argued that societies needed to be formed to assist those suffering the consequences of war, and also that services provided to wounded soldiers should be provided on a neutral basis.

The Société genovoise d'Utilité publique, a Swiss welfare agency, actively seconded Dunant's suggestion, the result being the formation, in 1863, of the organization that became known as the Red Cross. The next year, delegates from 16 nations met in Switzerland, and the Geneva Convention of 1864 for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field was adopted and signed by 12 of the nations represented. It provided for the neutrality of the medical personnel of armed forces, the humane treatment of the wounded, the neutrality of civilians who voluntarily assisted them, and the use of an international emblem to mark medical personnel and supplies.

What is nowadays called the International Red Cross and Red Crescent Movement is made up of over 187 national societies and two international groups with headquarters in Geneva: the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC). The existence of the two international groups is the result of a split in the Red Cross movement after the First World War.

The ICRC traces its origins back to the founding of the movement in 1863, and it is still a predominantly Swiss organization. The Federation was formerly called the League of Red Cross Societies and originated in 1919, largely as a consequence of pressure from the American Red Cross. Together, these components operate worldwide with a mission to prevent and alleviate

human suffering wherever it may be found, to protect life and health, and to ensure respect for the human being, particularly in times of armed conflict and other emergencies. The RCRC Movement works in accordance with the seven fundamental principles of humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

Henri Dunant was awarded the Nobel Peace Prize in 1901, and since then the Red Cross has been awarded the prize three times - in 1917, 1944 and 1963.

5.3.5 Assisting Governments (Donors)

Assisting (donor) Governments are central to disaster response be it natural or conflict situation. Governments can assist in international disaster response by giving assistance through direct bilateral contributions to affected States, including through the mobilization of in-kind aid to the affected communities. They can also channel funding through multilateral agencies such as UN agencies, Regional Organizations, the RCRC Movement, or NGOs. There are a number of Governments that routinely respond to the needs of disaster-affected states.

5.3.6 Private Sector

Private sector companies are increasingly involved in disaster response, often as part of their commitment to a corporate social responsibility (CSR) strategy. This involvement can take many forms, including as donors to the UN, Red Cross and Red Crescent Societies, and NGOs, and as direct service providers of aid. Companies like DHL and Ericsson have been working to support humanitarian logistics and telecommunications for years and are being joined by a growing number of private sector actors now involved in disaster response. The vast majority of private companies' involvement in disaster relief occurs independently.

Over the past decade, the private sector has increasingly been recognised as a major stakeholder alongside aid agencies and governments in multiple aspects of humanitarian action. Firms have contributed funds, aid materials and technical expertise to support relief operations in the aftermath of major disasters. The private sector has long been a major contributor to humanitarian action. At the community level, businesses frequently use their materials and resources to aid people affected by crises.

As local markets recover and supply chains are repaired, crisis-affected people are once again able to access basic goods and, in some cases, resume livelihoods. Large national, regional and multinational firms are also closely involved in supporting humanitarian objectives, whether

indirectly, by resuming operations in crisis affected areas, or directly, by providing cash and in kind donations of goods or services. In recent years the humanitarian community has introduced new forms of private sector engagement, including partnerships between aid agencies and corporations and business driven innovation in a number of sectors.

5.4 Humanitarian Principles

Humanitarian principles are grounded in International Humanitarian Law. Humanitarian principles define what humanitarian aid is: delivering life-saving assistance to those in need without any adverse distinction. They distinguish humanitarian aid from other activities, for example those of political, religious, ideological or military nature. Adherence to the principles helps humanitarian workers carry out their work; it facilitates access and acceptance.

Humanitarian principles are central to establishing and maintaining access to affected populations whether in the context of a natural disaster, an armed conflict or a complex emergency. Promoting compliance with humanitarian principles in humanitarian response is an essential element of effective humanitarian coordination. Ensuring respect for humanitarian principles is an essential element of effective application of IHL and coordination in the humanitarian action. The assistance must be provided in accordance with the principles of humanity. Impartiality, neutrality and independence:

Principle of humanity states that human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and to ensure respect for the human being.

Principle of Impartiality implies that humanitarian action is provided on the basis of need, regardless of who the victim is. In other ways humanitarian action must be carried out on the basis of humanitarian need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, religious beliefs, class or political opinions.

Principle of Neutrality implies that an agency will not take sides in a conflict, and this enables humanitarian agencies to gain access to civilians in need on both sides. This principle is widely contested in humanitarianism, with agencies such as Médecins Sans Frontières (MSF) delivering aid while bearing witness to what they see through their work.

Principle of Independence implies that humanitarian agencies act independently from governments, and do not implement any policy on behalf of any government.

5.5 Challenges in Humanitarian Assistance

Humanitarian action in situations of conflict or natural disasters is guided by humanitarian imperative and the principles of impartiality and neutrality. However, humanitarian agencies have encountered several and difficult situations. This is more common in an armed conflict than a natural disaster like the Tsunami. The aid community lacks the tools and acumen to respond to the needs of populations who live in environments of perpetual physical, political, economic and environmental insecurity. The increasing involvement of relief agencies in the very heart of war and political violence has given rise to a growing sense of moral unease among agency policy makers and field workers alike for example in the Rwanda genocide of 1994 and the Somalia Conflict dominated by the warlords.

The Rwandan case exemplifies the fact that the increase of humanitarian space has brought with it a new wave of dilemmas, particularly for international NGOs. Those who were delivering aid to the refugees were transformed by the media from white knights into demon. Aid, it was said, was feeding the killers. The fact that the former Rwandan regime and the international community both failed to abide by international law in Eastern Congo in 1994/5 produced some very hard choices for relief agencies.

Relief humanitarian workers can be caught in cross fire, kidnapped and killed or demanded to pay heavy ransoms to secure their release. The relief materials are sometimes stolen by gangsters and sold at exorbitant prices to the needy people. If relief workers speak out on human right abuses in a political conflict, they may be molested in some countries and even face expulsion by being given 24 hours to leave the country, leaving the relief operations in jeopardy.

Others challenges include:

▪ Improved ethical analysis – There are four main competing areas of moral value in humanitarian aid namely preserving human life, the principle of human rights, the principle of justice and the value of staff safety. These moral values could no doubt be challenged in humanitarian interventions by the core principles governing humanitarian assistance, e.g. neutrality and impartiality. Many agency staff and organizations are often confronted with tough choices and moral dilemmas when they have to choose between two wrongs and need to determine the least bad alternative in an acute situation. Therefore, they need support in defining moral responsibilities, identifying bottom-lines in acceptable "trade-

offs" between ends and means and in taking a stand in situations where they are confronted with good actions vs. good consequences.

- Better coordination of humanitarian efforts, procedures and division of labour between different actors. Sweden collaborates with principal humanitarian actors that include UN organizations for humanitarian assistance, NGOs, the Red Cross Movement, bilateral and multilateral agencies and other donors e.g. European Commission Humanitarian Office. A demand for coherence in policies, coordinated interventions and strategic division of labour are essential strategies in order to prevent ineffective aid and competitive approaches.

- Strengthening local capacity and ownership. The recipient population is an important actor too. There is an assumption among international communities and donors that the affected areas lack the expertise, and building local capacity means entirely transferring knowledge from the outside. Thus, they fail to acknowledge the value of the people's knowledge of local environment and to build on the existing local structures and capacity (e.g. strengthening local relief organizations and civil society). It is imperative for international donor organisations to give space to local capacity in the humanitarian arena and recognize the role of the recipient-population in humanitarian programmes. Strengthening local capacity and ownership includes supporting recipient states to define and develop their own humanitarian action programmes and local coping mechanisms. Survivors of conflict had usually shown innovations and possessed special capabilities for survival (e.g. women) during the conflict situations. What is needed today is a "working method" that would enable states to apply in peacetime the lessons learnt and experiences gained in situations of conflict.

- Better coordination of methods and implementation processes in specific country strategies together with sector-wide and budget-support. This challenge encompasses the need to devise methods and create mechanisms for transitional support when humanitarian assistance is moving towards development cooperation. A period of transition could entail simultaneous provision of humanitarian and development assistance. In this regard, humanitarian assistance should go hand in hand with development assistance that embraces a culture of prevention and risks reduction in order to help save human lives in the future.

5.6 Unit Summary

In this Unit, we discovered that multiple humanitarian actors with different objectives and principles intervene in situations of armed conflict and internal violence in order to alleviate the

plight of the victims. It was noted that such humanitarian actors include the UN, the security personnel, governmental and non-governmental organisations, international organisations, National Red Cross and Red Crescent Societies and private companies, among others. The diversity of actors and approaches can help to alleviate suffering if they manage to act in a complementary fashion, on the basis of their respective operational abilities. This edition explores the distinctive characteristics of the diverse actors and the need to build and nurture an effective partnership among them.

We also learnt that Humanitarian assistance is guided by some principles: The principle of independence, impartiality, humanity and neutrality. Humanitarian principles are rooted in international humanitarian law. In a more narrow sense, they are the principles devised to guide the work of humanitarian actors. You further discussed some of the challenges that humanitarian actors face in providing assistance to the affected populations such as lack of political will on the part of hostilities to implement cease-fires that are important for the purpose providing humanitarian corridor.

Other challenges include maintaining neutrality when intervening in areas of conflict, ensuring independence from political agendas of donors, standing firm by humanitarian principles when relating with local power holders, finding the right balance between the humanitarian imperative and speaking out about specific situations including minimizing potential negative impact of operations as well as kidnappings and killings directed at humanitarian workers.

Activity

State some of the challenges that both humanitarian agencies and humanitarian workers face in their execution of mandate.

How can these challenges be minimised to ensure an enhanced provision of aid to the affected population?

PROTECTION OF CIVILIANS IN PEACEKEEPING OPERATIONS

6.1 Introduction

In this Unit we will discuss the concept of 'protection of civilians' (PoC) in the missions. It is important that you understand that the plight of civilians in conflict zones is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. The responsibility for the protection of civilians cannot be transferred to others but to you as important actors in peacekeeping missions. The United Nations is the only international organization with the reach and authority to end these practices.

6.2 Learning outcomes

At the end of this Unit, you should be able to:

1. explain the concept on protection of civilians and how it is applied in peacekeeping operations;
2. identify protection actors and the role of peacekeepers in preventing and responding to those threats that affect civilians;
3. explain why protection of civilians has become a priority objective for UN PKOs;
4. identify the main vulnerable groups during violent conflicts that need protection;

6.3 Protection of Civilians (PoC)

Civilians have increasingly become the victims of armed conflict. In response, the Security Council has mandated a number of peacekeeping operations with the protection of civilians (PoC) from physical violence. Historically, there has been an expectation on the part of the UN, the international community, and local communities that peacekeepers have some obligation to try and protect civilians from crimes against humanity, war crimes, and other serious abuses of their human rights.

6.4 Protection of Civilians (PoC): Its meaning

Protection of civilians has two distinct conceptual meanings, both of which are critical in peace missions:

First, PoC refers to preventing or mitigating deliberate violence against civilians, which includes direct threats to individuals and communities' acts that cause physical harm or displacement, deny

freedom of movement or compromise access to livelihoods and essential services. Second, PoC refers to measures that ensure international interventions (political, economic and military) complying with international law and do not cause further harm to civilians. For Oxfam, 'protection' means acting to improve the safety of civilians exposed to widespread threats of violence, coercion, or deliberate deprivation. For UN peacekeepers, it means what their UN Security Council mandates regularly say, that:

Acting under Chapter VII of the Charter of the United Nations, [the Council] decides that [the UN mission] is authorized to take the necessary action (or 'all necessary action'), in the areas of deployment of its forces and as it deems within its capabilities, ... and without prejudice to the responsibility of the Government of [the country], to protect civilians under imminent threat of physical violence. Peacekeepers are bound by international humanitarian law (IHL), and to the extent applicable, international human rights and refugee law. Those oblige parties to specifically protect civilians and ex-combatants from a range of threats.

The 'protection of civilians' mandate in UN peacekeeping operations fulfils a critical role in realising broader protection objectives, which have in recent years become an important focus of international relations and international law. The concept of the 'protection of civilians' constructed by the humanitarian, human rights and peacekeeping communities have evolved somewhat separately, resulting in disparate understandings of the associated normative bases, substance and responsibilities. If UN peacekeepers are to effectively provide physical protection to civilians under threat of violence, it is necessary to untangle this conceptual and normative confusion.

The practical expectations of the use of force to protect civilians must be clear, and an overarching framework is needed to facilitate the spectrum of actors working in a complementary way towards the common objectives of the broader protection agenda. Protection of civilians has in recent years become an important focus of international relations and international law, particularly in the context of UN peacekeeping operations. It is often at the heart of international debates on responding to major conflicts, as evidenced in the ongoing discourse on the situations in Syria, Mali and the Central African Republic.

Yet despite the international attention being focused on protection issues, the normative bases, content and responsibilities associated with practical implementation remain contested, with different usage of the protection vocabulary in international law and across humanitarian, human rights and peacekeeping communities. The concept has come to encompass a wide range of rights and obligations under the UN Charter, international humanitarian law (IHL) and international

human rights law (IHRL), as well as a spectrum of activities including the use of force for the physical defence of civilian populations, aspects of humanitarian action and human rights monitoring, reporting and advocacy. The fragmented conceptions and lack of strategic coherence has, at times, negatively impacted the practical implementation of protection mandates, with protection actors sometimes working at cross purposes.

6.4.1 How Do UN Peacekeeping Operations Protect Civilians?

The unique characteristic of UN peacekeeping operations is their capacity to protect civilians from physical violence. Peacekeeping missions adopt a holistic approach, and the civilian, police and military components of the mission work hand-in-hand to achieve this objective.

The mission takes a three-tiered approach in protecting civilians. The first consists of dialogue and political advocacy, such as support for reconciliation, peace agreements or mediation, liaison with the government, or the resolution of local conflicts. These activities are mainly undertaken at the level of the mission's senior leadership. Even if these efforts are not always very visible, the importance of this work aiming to support the host government in its responsibilities should not be underestimated.

The second tier is related to activities protecting civilians from physical violence, including the visible presence of unarmed mission personnel, proactive measures to dissuade potential attackers, and logistical support to the host government with the goal of defending civilians against attacks. It is important to specify that this is not only the prerogative of the mission's military component. Actions taken by civilians, such as forging relationships with the population particularly women, leaders and local authorities – are part of this approach as well.

The third tier consists of activities aiming to support the establishment of a protective environment that increases security and protects civilians from physical violence. The majority of these activities consist of strengthening the host government's capacities to protect, including through the rule of law, security sector reform and training on human rights, the protection of children and sexual and gender-based violence.

6.5 The Vulnerable Groups: Women, Children, Refugees.

Armed conflicts have left populations vulnerable to appalling forms of violence, including systematic rape, abduction, amputation, mutilation, forced displacement, sexual exploitation and genocide. Armed conflicts continue to occur in many parts of the world and have escalated over the last decade. In Africa, over one quarter of the continent's 53 countries were afflicted by conflict in the late 1990s. Today's armed conflicts are predominantly internal, with regional and sub-

regional repercussions; and the victims of those conflicts are disproportionately civilians – women, children and the disabled.

While during the First World War, only 5 per cent of all casualties were civilians, during the 1990s civilians accounted for up to 90 per cent of casualties. In the contemporary conflicts, civilians are targets. Mass displacement, use of child soldiers, and violence against ethnic and religious groups, as well as gender-based and sexual violence, are common. Increased access to inexpensive and lethal weaponry fuels and perpetuates armed conflict. These weapons are used by State and non-State actors, irregular forces, private militias, guerrillas, warlords and civilians.

Civilians have been subjected to high levels of violence in contemporary conflicts, including through ethnic cleansing and genocide, torture, mutilation, abduction, amputation, execution, systematic rape as well as scorched earth tactics (such as the destruction of crops, villages and towns, and the poisoning of wells). Civilians have sometimes been used as human shields by combatants and have been forced to flee, leaving behind their family members, their homes and possessions.

6.6.1 The Women

While conflict inflicts suffering on everyone, women are particularly affected by its short- and long-term effects. Sexual assault and exploitation are frequently employed as tools of war; victimization leads to isolation, alienation, prolonged emotional trauma, and unwanted pregnancies that often result in abandoned children. As culturally designated caregivers, women must struggle to support their families and keep their households together while the traditional breadwinners – husbands and sons – are caught up in the fighting and are unable to provide for their families.

The new role as primary provider exposes many women to further abuse. Conflict shatters the comfort of predictable daily routines and expectations. Women and girls are equally affected in a fragile environment where social services they once depended on degrade or disappear. Although conflict may, in some cases, improve gender relations as a result of shifts in gender roles - some changes even improve women's rights - by and large its impact on women is devastatingly negative.

Both women and children have been disproportionately affected by conflict as casualties of violence, as internally displaced persons and as refugees. Violence against women and children in conflict harms families, impoverish communities and reinforces other forms of inequality. In addition, women and girls suffer direct violations of their physical integrity, for example through

reproductive violations and enforced pregnancy. Most recent conflicts have been rife with epidemic rates of sexual and gender-based violence, combined with high levels of gender-based human rights violations.

The reality is that sexual violence has often been dismissed as an unfortunate consequence of conflict, resulting in widespread impunity for these crimes and general tolerance of gender based violence in post-conflict societies. It was in recognition of this pervasive problem that the African Union Peace and Security Department decided in 2010 to examine how best to develop targeted action to mitigate violence against women and children in armed conflict, building on the already existing normative frameworks.

6.6.2 The Children and the Elderly

Armed conflict and violence take a heavy toll on children's lives in different parts of the world. Not only do children suffer from the direct consequences of war and armed violence (recruitment in armed forces or groups, physical injuries, death), they are also indirectly affected by displacement, loss of relatives and the trauma associated with witnessing acts of violence. Below are the six Grave Violations Affecting Children in Times of Conflict

- ✓ Recruitment and use of children
- ✓ Killing and maiming of children
- ✓ Sexual violence against children
- ✓ Attacks on schools and hospitals
- ✓ Abduction of children
- ✓ Denial of humanitarian access

The Convention on the Rights of the Child, which was launched by the United Nations in 1989 and widely ratified, set international norms for the recognition and observance of children's rights. The three key principles are: (1) the best interests of the child must be observed; (2) non-discrimination must be observed to assure that all children have the right to be treated equally; and (3) children must have the right to participation.

Despite the considerable health risk faced by the elderly during times of forced migration, their needs are frequently marginalized. This was highlighted in the Balkans crisis of 1999. Whilst the Crude Mortality Rates (CMRs) among refugees displaced from Kosovo to Macedonia and Albania were relatively low, a large proportion of deaths occurred among elderly people as a

result of war-related traumatic injury and chronic diseases, with elderly people more at risk for under-nutrition than young children. Yet, they were rarely considered a vulnerable group.

6.6.3 The Refugees

The problem of the world's refugees and internally displaced is among the most complicated issues before the world community today. Much discussion is taking, place at the United Nations as it continues to search for more effective ways to protect and assist these particularly vulnerable groups.

The 1951 Convention, which was drafted as a result of a recommendation by the newly established United Nations Commission on Human Rights, was a landmark in setting standards for the treatment of refugees. The Convention, in its article 1, provides a general definition of the term "refugee". *The term applies to any person who "as a result of events occurring before 1st January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".* The Convention sets the minimum standards of treatment of refugees, including the basic rights to which they are entitled. It also establishes the juridical status of refugees and contains provisions on their rights to gainful employment and welfare, on the issue of identity papers and travel documents, on the applicability of fiscal charges, and on their right to transfer their assets to another country where they have been admitted for the purposes of resettlement. The Convention prohibits the expulsion or forcible return of persons having refugee status. Its article 33 stipulates that "no Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". Article 34 concerns the naturalization and assimilation of refugees. Other provisions deal with such rights as access to courts, education, social security, housing and freedom of movement.

6.7 Unit Summary

In this Unit, we examined the concept of protection of civilians and how it is achieved during peacekeeping operations. It should be noted that protecting civilians has emerged as a central purpose of many contemporary peace operations. Both civilian and military peacekeepers

increasingly recognize the moral duty and operational importance of protecting threatened civilian populations during peacekeeping operations. As peacekeeping missions have grown in number, frequency, size and mandate, the UN has made increasingly concerted efforts to put civilian protection at the heart of these operations.

The Unit also looked at the categories of vulnerable civilian population which needs protection. It should be noted that in contemporary armed conflicts, innocent civilians often constitute an overwhelming majority of victims and have at times been deliberately targeted. The most vulnerable populations at risk include women, children, the elderly and refugees, who are often killed, raped and sexually abused, kidnapped and enslaved, and children, who are taken and forced to become soldiers. Survivors are often displaced, by force or for lack of choice, taking refuge in camps where they are often defenceless against armed attacks and harassment. Many are maimed by mines and other indiscriminate munitions. Even more die of the indirect effects of armed conflict: disease, malnutrition, and famine.

Activity

What do understand by the term 'protection of civilians' during peacekeeping missions?

Discuss the categories of vulnerable civilian population which needs protection during armed conflicts

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CONFLICT RESOLUTION

7.1 Introduction

We should be reminded that conflict is inevitable. For example we all have experienced conflict situations in the past and probably we will have them in the future. In this Unit we will discuss how to deal confidently with conflict situations in the process known as conflict resolution. The Unit will then help us discover how conflict situations can be turned around into opportunities, explore and practice conflict resolution systems used to transform conflict successfully.

7.2 Learning outcomes

At the end of this Unit, students should be able to:

1. explain the concept of conflict resolution.
2. describe different conflict resolution strategies.
3. explore the potential benefits of a conflict when handled properly.
4. identify the potential benefits and disadvantages of third party interventions in transforming conflicts.

7.3 The Concept of Conflict Resolution

Remember that conflicts are a part of everyday life – they form in our close relations, at a societal level and on an international level. All too often we see conflicts leading to aggression, hostility and war. But conflicts can also be a steppingstone leading to change and wisdom; if we learn to handle them constructively. When you are dealing with a conflict involving many people, it is important to map the conflict as you are engaging it out. Sometimes conflicts involve large populations, even entire villages. At such times it is sensible to identify the different parties and their unique role in the conflict and the relationship between them. In order to create a map of the conflict, you need to examine and uncover:

- Who are the people directly involved in the conflict?
- Who among these are influential or in a position of power?
- Who are most radical and who are more open and accessible?

- What persons, not involved in the conflict, have the ability to influence those in conflict?
- What do community people know and think of the conflict?
- Identify key people who are respected by both sides of the conflict for example a community leader or a priest.
- Are there people who can help and support those directly involved?
- Are there people who, for various reasons, do not wish the conflict to be solved?

Let us now look at the meaning of conflict resolution and see how we can engage different methods to resolve conflict.

7.4 Conflict Resolution

The new demands being made on peacekeeping and the multifaceted character of contemporary operations call for greater attention to be paid to the training and preparation of anyone involved in a peacekeeping operation. One essential component of the training and preparation is a better understanding of conflict and its resolution. Past peacekeeping experience clearly demonstrates that to be successful, international actors requires an awareness of the nature and relevance of Conflict resolution theory and practise to their work, from policy-making above to activities on the ground.

Conflict resolution is an applied academic study that has been defined over the past 50 years and has come of age in the post-Cold War era. It has been informed by a variety of academic disciplines, including international relations, economics, development studies, law, psychology and psychotherapy, management, communication studies, anthropology, sociology, and peace research. Based on the assumption that conflict can be a catalyst for positive personal and social change, conflict resolution focuses on preventing, decreasing, stopping, or transforming violent conflict using peaceful and non-violent methods.

The academic study and practice of conflict resolution has much in common with the role of peacekeeping in international conflict management. At about the same time that the field of conflict resolution was emerging at the height of the Cold War, Dag Hammarskjöld and Lester B. Pearson were defining the basic principles of peacekeeping. These principles were to guide the work of one of the first peacekeeping operations, the United Nations Emergency Force (UNEF I), created in response to the Suez Canal crisis in the Middle East in 1956. Both areas have developed a common interest in the dynamics and resolution of conflict and are

underpinned by many of the same concepts and principles. Despite a history of "mutual neglect" between the field of conflict resolution and the practice of peacekeeping, recent attempts have been made to merge the theory and practice of conflict resolution and peacekeeping.

7.5 Conflict resolution: Its meaning

At this stage, it is also important to understand that the aim of conflict resolution which is to transform actual or potential violent conflict into peaceful (non-violent) processes of social and political changes. Many scholars have attempted to define conflict resolution in many ways.

To start with, conflict resolution is concerned with addressing the fundamental causes of conflicts and aim to produce solutions which are mutually acceptable to all parties. Conflict resolution operates at a number of levels or tracks, and encompasses a range of techniques from conciliation to mediation, negotiation, and problem solving. Resolution of conflict implies that the deep-rooted sources of conflict are addressed, changing behaviours so they are no longer violent, attitudes so they are no longer hostile, and structures so they are no longer exploitative. The term is used to refer both to the process (or the intention) to bring about these changes and to the completion of the process.

7.6 The Conflict Resolution Systems/Strategies

Most of us may be familiar with the most traditional dispute-resolution process of our civil/criminal justice system: trial with a judge or jury deciding who is right or wrong - where someone wins and someone loses. However, there are many other options available such as negotiation, mediation, arbitration, conciliation and litigation. Whether you are involved in a family, community, national or international dispute or a lawsuit involving thousands of dollars, these processes should be considered. They are often the more appropriate methods of dispute resolution and can result in a fair, just, reasonable answer for both you and the other party. Settlement and compromise have long been favoured in the legal system.

7.6.1 Negotiation

One may negotiate directly with the other person. One may hire an attorney to negotiate directly with the other side on one's behalf. There are no specific procedures to follow - you can determine your own - but it works best if all parties agree to remain calm and not talk at the same time. Depending on the situation, one can negotiate in the board room of a big company, in an office or even in one's own living room. Negotiation is a method by which people settle differences.

It is a process by which compromise or agreement is reached while avoiding argument and dispute. In any disagreement, individuals understandably aim to achieve the best possible outcome for their position or perhaps an organisation they represent. However, the principles of fairness, seeking mutual benefit and maintaining a relationship are the keys to a successful outcome. Another definition worth noting is that negotiation is a process by which states and other actors communicate and exchange proposals in an attempt to agree about the dimensions of conflict termination and their future relationship.

Negotiation is a dialogue between two or more people or parties intended to reach a beneficial outcome. This beneficial outcome can be for all of the parties involved, or just for one or some of them. It is aimed to resolve points of difference, to gain advantage for an individual or collective, or to craft outcomes to satisfy various interests. It is often conducted by putting forward a position and making small concessions to achieve an agreement. The degree to which the negotiating parties trust each other to implement the negotiated solution is a major factor in determining whether negotiations are successful. Negotiation is not a zero-sum game; if there is no compromise, the negotiation will fail. When negotiations are at an impasse, it is essential that both parties acknowledge the difficulties and agree to work towards a solution at a later date.

It is inevitable that, from time-to-time, conflict and disagreement will arise as the differing needs, wants, aims and beliefs of people are brought together. Without negotiation, such conflicts may lead to argument and resentment resulting in one or all of the parties feeling dissatisfied. The point of negotiation is to try to reach agreements without causing future barriers to communications. Negotiation occurs in business, non-profit organizations, government branches, legal proceedings, among nations, and in personal situations such as marriage, divorce, parenting, and everyday life. Professional negotiators are often specialized,

such as union negotiators, peace negotiators, or hostage negotiators. They may also work under other titles, such as diplomats or legislators.

7.6.1.1 Characteristics of Negotiation

- Voluntary;
- Private and confidential;
- Quick and inexpensive;
- Informal and unstructured;
- Parties control the process, make their own decisions and reach their own agreements (no third party decision maker);
- Negotiated agreements can be enforceable;
- Can result in a win-win solution.

Whether in far-reaching international diplomacy or the immediate response to a local crisis, developing successful alternatives to violent conflict requires firm command of the practice of negotiation.

7.6.1.2 Distributive Negotiation

Distributive negotiation is also sometimes called positional or hard-bargaining negotiation. It tends to approach negotiation on the model of haggling (bargain) in a market. In a distributive negotiation, each side often adopts an extreme position, knowing that it will not be accepted, and then employs a combination of cleverness, bluffing, and brinkmanship in order to cede as little as possible before reaching a deal. Distributive bargainers conceive of negotiation as a process of distributing a fixed amount of value.

The term distributive implies that there is a finite amount of value being distributed or divided among the people involved. Sometimes this type of negotiation is referred to as the distribution of a "fixed pie." There is only so much to go around, but the proportion to be distributed is variable. Distributive negotiation is also sometimes called win-lose because of the assumption that one person's gain results in another person's loss. A distributive negotiation often involves people who have never had a previous interactive relationship, nor are they likely to do so again in the near future.

7.6.1.3 Integrative Negotiation

Integrative negotiation is also sometimes called interest-based or principled negotiation. It is a set of techniques that attempts to improve the quality and likelihood of negotiated agreement by providing an alternative to traditional distributive negotiation techniques. While distributive negotiation assumes there is a fixed amount of value a fixed pie to be divided between the parties, integrative negotiation often attempts to create value in the course of the negotiation and expand the pie. It focuses on the underlying interests of the parties rather than their arbitrary starting positions, approaches negotiation as a shared problem rather than a personalized battle, and insists upon adherence to objective, principled criteria as the basis for agreement. Integrative negotiation often involves a higher degree of trust and the forming of a relationship. It can also involve creative problem-solving that aims to achieve mutual gains. It is also sometimes called win-win negotiation.

7.6.2 Mediation

Mediation is derived from a Latin word 'Mediare', which means to come in between. It is a voluntary process in which an impartial person (the mediator) helps with communication and promotes reconciliation between the parties which will allow them to reach a mutually acceptable agreement. Mediation often is the next step if negotiation proves unsuccessful. The mediator manages the process and helps facilitate negotiation between the parties. A mediator does not make a decision nor force an agreement. The parties directly participate and are responsible for negotiating their own settlement or agreement.

At the beginning of the mediation session, the mediator will describe the process and the ground rules. The parties or their attorneys have an opportunity to explain their view of the dispute. Mediation helps each side better understand the other's point of view. Sometimes the mediator will meet separately with each side. Separate "caucusing" can help address emotional and factual issues as well as allow time for receiving legal advice from attorney. Mediations are generally held in the office of the mediator or other agreed location.

Mediation is a dynamic, structured, interactive process where a neutral third party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques. All participants in mediation are encouraged to actively participate in the process. Mediation is a "party-cantered" process in that it is focused primarily upon the

needs, rights, and interests of the parties. The mediator uses a wide variety of techniques to guide the process in a constructive direction and to help the parties find their optimal solution. A mediator is facilitative in that s/he manages the interaction between parties and facilitates open communication.

Mediation is also evaluative in that the mediator analyses issues and relevant norms (reality-testing), while refraining from providing prescriptive advice to the parties. Mediation is a voluntary collaborative process in which a third party intervenes in a conflict usually with the consent of the parties to facilitate a mutually acceptable resolution. It is a voluntary, co-operative problem–solving process in which a person acceptable to the disputing parties assists them in clearly defining the issues in dispute. In mediation, disputants are no longer in control of the process itself, but maintain primary responsibility for resolution of their conflict.

7.6.2.1 Attributes of a Mediator

a) *Communication plumber:* Opens up communication channels between the parties and keeps them open,

b) *Legitimiser:* Helps parties recognise the right to be involved,

c) *Explorer*: Helps those involved uncover several ways, more or less, to approach a problem,

d) *Reality Checker:* Keeps the parties from going off into fantasyland in search of solutions,

e) *Resource Networker:* Finds appropriate resources and links them to other helpers and options,

f) *The Skill Builder:* Helps parties build good communication and problem solving skills,

g) *Drill Sergeant*: Takes the initiative, if necessary, to keep the negotiations moving forward,

h) *Master Carpenter*: Reframes issues,

i) *Facilitator*: Provides processes for achieving results and improving relationships,

j) ***Delegator:*** " Sorry I do not make decisions for my clients,

k) ***The Secrets Agent:*** Responsible for keeping the procedures confidential.

Mediation can be quicker, less stressful and cheaper than going to court. Once a settlement has been reached mediation agreement can be drawn up. Parties tend to keep to the mediation agreement because they have prepared the terms themselves. Mediations are completely confidential and the information discussed within them cannot be used in Court or in any other legal action issued at a later date. Mediation as a tool for conflict resolution is currently experiencing a "renaissance". It is nowadays used in various settings where conflicts arise, such as family mediation, neighbourhood mediation, business mediation and others. Consequently, specific and professional mediation tools and strategies adapted to the nature of the conflicts under consideration have emerged.

In the international realm, mediation has long been regarded as an exclusive activity for diplomats and government officials. After the dissolution of the bi-polar world order at the beginning of the nineties, however, the field of mediation has experienced a dramatic shift: various states, non-governmental organisations, individuals and intergovernmental organisations have started to act as impartial third parties, trying to bring peace in some of the most intractable violent conflicts around the globe. But mediation is not restrained to the negotiation phase of a peace or cease-fire agreement. Governments and other third parties are realising that mediation and facilitation also play an important role in the implementation phase of a peace agreement.

Third party mediation to resolve international and non-international armed conflict is a highly political, fluid and complex role. It involves careful and often long term engagement in situations where widespread human suffering is common and the lives of many thousands of people are at stake. Most armed conflicts are deep and protracted with painful histories of extreme violence, inter-group hatred, oppression, humiliation, profound political suspicion and the active involvement of other states. In such conflicts, mediators and other peace process specialists and supporters have a range of moral obligations. They have personal and professional responsibilities to the political parties to the process, to the people affected by the conflict, to concerned and interested observers and to the wider mediation and peace-building profession.

7.6.2.2 Categories of Mediation Tools

The mediation process undertakes the following mediation tool:

1. *Problem-Oriented Activities:* Persistently drawing out the needs and interests that the parties bring to the table in relation to these issues, mediators can often make it much easier to find solutions acceptable to both,

2. *People-Oriented Activities:* Addressing parties' emotional needs and their relationship to each other. Not always possible to deal with conflicts by talking only about the practical issues at stake,

3. *Process-Oriented Activities:* These are activities aimed at improving the process through which people in conflict interact with each other. For example, people often communicate in misleading or confusing words; mediators can improve the communication process by seeking clarity.

7.6.2.3 Characteristics of Mediation

- Promotes communication and cooperation
- Provides a basis for you to resolve disputes on your own
- Voluntary, informal and flexible
- Private and confidential, avoiding public disclosure of personal or business problems
- Can reduce hostility and preserve ongoing relationships
- Allows you to avoid the uncertainty, time, cost and stress of going to trial
- Allows you to make mutually acceptable agreements tailored to meet your needs
- Can result in a win-win solution

7.6.3 Arbitration

Arbitration is the submission of a disputed matter to an impartial person (the arbitrator) for decision. It is a form of alternative dispute resolution (ADR), for the resolution of disputes outside the courts. World Intellectual Property Organisation (WIPO) defines arbitration as a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. In choosing arbitration, the parties opt for a private dispute resolution procedure instead of going to court.

Arbitration is typically an out-of-court method for resolving a dispute. The arbitrator controls the process, listen to both sides and make a decision. In a more formal setting, the arbitrator will conduct a hearing where all of the parties present evidence through documents, exhibits and testimony. The parties may agree to, in some instances, establish their own procedure; or an administrating organization may provide procedures. There can be either one arbitrator or a panel of three arbitrators. An arbitration hearing is usually held in offices or other meeting rooms. The result can be binding if all parties have previously agreed to be bound by the decision. In that case, the right to appeal the arbitrator's decision is very limited. An arbitrator's award can be reduced to judgment in a court and thus be enforceable. In non-binding arbitration, a decision may become final if all parties agree to accept it or it may serve to help evaluate the case and be a starting point for settlement talks.

7.6.3.1 Characteristics of Arbitration

- Can be used voluntarily;
- Private;
- Maybe less formal and structured than going to court, depending on applicable arbitration rules;
- Usually quicker and less expensive than going to court, depending on applicable arbitration rules;
- Each party will have the opportunity to present evidence and make arguments;
- May have a right to choose an arbitrator with specialized expertise;
- A decision will be made by the arbitrator which may resolve the dispute and be final;
- Arbitrator's award can be enforced in a court;

7.7 Unit Summary

In this Unit, we have discussed conflict resolution and its systems/strategies. It should be noted that conflicts can arise at any time. How one utilizes conflict resolution strategies depends on both his/her conflict style and conflict resolution skills. There are many different ways to respond to conflict situations such as negotiation, mediation, arbitration, litigation and others. It has been noted that some conflict styles involve a considerate or cooperative approach while others involve either a competitive or passive approach. It should be remembered that those who have proper conflict resolution training understand how to diffuse the situation and reach an agreement that satisfies all parties. The first step in conflict resolution is to understand

various styles of conflict. The Unit also looked at strengths and weaknesses of different conflict resolution strategies.

Activity

What is conflict resolution and discuss the different systems you can use to settle a conflict of any nature including religious?

ADDRESSING SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING (SEA)

8.1 Introduction

Welcome to Unit Eight. In this Unit we shall examine sexual exploitation and abuse as perpetrated by peacekeepers. Peacekeeping personnel whether military, police or civilian, are all expected to adhere to the highest standards of behaviour and conduct in a professional and disciplined manner at all times. Unfortunately, there are allegations and instances of misconduct involving peacekeeping personnel, including acts of sexual exploitation or abuse.

In this Unit will further look at measures that the UN have put in place to minimise incidences of sexual exploitation and abuse (SEA) and ensure that all allegations are investigated and that appropriate actions are taken when such allegations are substantiated.

8.2 Learning Outcomes

At the end of this Unit, students should be able to:

1. outline the UN policies on standards of conduct concerning sexual exploitation and abuse,
2. explain the impact of sexual misconduct on peacekeeping operations and host population,
3. list down the consequences for individuals and the mission when peacekeepers are directly or indirectly involved engaging in SEA.

8.3 Sexual Exploitation and Abuse in UN Peacekeeping

Sexual exploitation and abuse (SEA) is an endemic problem in UN peacekeeping missions. It is not only a gross human rights violation, but also threatens to challenge the legitimacy of the peacekeeping mission and undermines the promotion of gender equality in host countries. The problem of sexual exploitation and sexual abuse by peacekeepers is not new. Allegations of Peacekeepers in SEA arose in the Balkans, Cambodia and Timor-Leste in the 1990s and in West Africa in 2002.

In 2003, the UN Secretary-General issued a bulletin outlining a zero-tolerance policy, prohibiting all forms of transactional sex and sexual activities with persons below 18 years, as well as strongly discouraging sexual relationships between UN staff and the host population.

However, instances of exploitation and abuse continued. In 2004, the media reported on SEA of Congolese women and girls in the UN Mission in the Democratic Republic of Congo (MONUC). Public outrage led to an investigation by the UN Office of Internal Oversight Services (OIOS).

The investigation found serious problems of SEA in the mission. Not only does SEA increase the suffering of an already vulnerable sector of the population, but it undermines the peacekeeping mission's ability to achieve its mandate. Peacekeepers' engagement in SEA damages both the image and the credibility of the UN in the eyes of the host state government and local population. For example, a peacekeeping mission cannot credibly advise the government on adherence to international human rights standards while its peacekeepers are violating international human rights law.

The post-conflict settings in which peacekeeping missions operate generally suffer from collapsed economies, weak or non-existent justice systems and ineffective law enforcement. In these war-ravaged environments, significant power differentials exist between peacekeepers and local populations. Some peacekeepers exploit these unequal power dynamics to commit rape and other forms of violence. Instances where sex is exchanged for food, medicine or money lead to further desperation, disease and dependency. Implementing effective SEA policies is a challenge in such a fragile environment.

8.4 What is SEA?

The UN defines sexual exploitation and sexual abuse as two separate violations. Sexual exploitation is defined as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another." Sexual abuse is "actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions." The UN prohibits sexual relations in a situation where one takes advantage of the victim, regardless of the victim's age, and all sexual relations where the victim is under 18 years old. Transactional sex including prostitution is banned. The zero-tolerance policy does not prohibit all sexual relations with the local population, but considers most to be unequal and therefore strongly discouraged.

8.5 Impact of SEA

SEA in peacekeeping missions is a major problem for multiple reasons. Engaging in such practice is a gross human rights violation on the part of peacekeepers that leaves individual survivors traumatized. In addition to the obvious physical and psychological trauma inflicted on the survivors, SEA may be especially damaging to the human security of the communities to which peacekeeping missions deploy, and are a source of mistrust between local populations and the peacekeeping missions. As the local population experiences this abuse, they may find the peacekeeping mission less beneficial and therefore less legitimate.

Second, SEA poses a major health threat. If peacekeeper have multiple partners and do not use proper precaution, whether they are engaging in transactional sex or abusing the local population, they create a health risk that the local public health infrastructure may not be able to handle. The introduction of cholera by UN peacekeepers in Haiti, killing some 6,000 people, serves as a tragic reminder that peacekeepers can be agents of the spread of disease. The prevalence of AIDS in Africa, the relatively large number of UN missions there and the correlation between transactional sex and the spread of disease makes SEA a particularly important problem for missions.

Finally, SEA hinders the promotion of gender equality locally. If peacekeepers are supposed to promote gender equality, as a part of enhanced mandates that invoke UN Security Council Resolution (UNSCR) 1325, then SEA significantly hampers these efforts. UNSCR 1325 calls for the participation of women in decision-making and peace processes; gender perspectives and training in peacekeeping; the protection of women; and gender mainstreaming in United Nations reporting systems and programmatic implementation mechanisms.

In many multi-dimensional missions, a large component of the peace-building activities involve promoting gender equality through the UNSCR 1325 mandate, which means that if peacekeeping personnel are involved in activities that violate gender equality, locals may not take these programs seriously. Moreover, such behaviour and activity only serves to perpetuate patriarchal structures within the host country. For example, there is unreliable evidence that this behaviour by peacekeepers may foster the growth of an illicit sex industry and its associated problems. In order for the promotion of gender equality to have any effect, peacekeepers must lead the way by example.

8.6 Key UN SEA Initiatives

Despite the UN's zero tolerance policy and explicit messaging against SEA, sexual exploitation and abuse (SEA) by peacekeepers is a major problem for peacekeeping missions. On 15 May 2015, the UN's Office of Internal Oversight Services (OIOS) released an evaluation of efforts to confront SEA in UN peacekeeping operations that made headlines worldwide after it was released in June 2015. After chronicling the severity of the problem, the OIOS report arrived at the conclusion that 'the effectiveness of enforcement against sexual exploitation and abuse is hindered by a complex architecture, prolonged delays, unknown and varying outcomes and severely deficient victim assistance'

8.6.1 Prevention

In April 2016, the Secretariat had begun vetting all individuals being deployed as members of military contingents and formed police units for prior misconduct, including sexual exploitation and abuse, while in the service of the United Nations. This marks a considerable expansion to the previously established vetting practices which covered all civilian personnel, individually deployed military and police officers, and individual consultants and contractors hired at mission level. In terms of prevention, extensive training materials have been developed at headquarters for delivery in field missions or prior to deployments of troops.

These initiatives are complemented at the mission-level with a wide range of awareness-raising measures including poster campaigns, induction briefings, intranet websites, newsletters, brochures, radio broadcasts and mission-specific codes of conduct. Since mid-2005, training on preventing sexual exploitation and abuse has been mandatory for all personnel on arrival in a United Nations peacekeeping mission. Since then, additional training material was developed to address other forms of misconduct and conduct and discipline more broadly. Several missions also conduct outreach activities towards the local communities, to inform the host State population of the United Nations standards of conduct, means of reporting misconduct and the availability of victim assistance.

At the mission level, risks of misconduct and in particular sexual exploitation and abuse are identified and a number of policies have been put in place to enforce compliance with the United Nations standards of conduct, including respect for local laws. They range from establishing curfews, to requiring soldiers to wear uniforms outside of the barracks, to

designating places as off-limits, to increased patrols around high risks areas and decentralization of Conduct and Discipline Team's personnel into locations with a potentially high risk of misconduct.

8.6.2 Enforcement

Member States have begun including national investigation officers in their units being deployed to missions, which will enable investigations to commence without delay as soon as allegations are received. Member States and United Nations investigative entities have been requested to complete investigations into allegations of sexual exploitation and abuse within six months. Immediate Response Teams (IRTs) have been established in the majority of peacekeeping missions to gather evidence following reports of sexual exploitation and abuse.

A training programme, in coordination between OIOS, Interpol and the Standing Police Capacity of the Department of Peacekeeping Operations, have been established. Concerning enforcement, guidance has been provided for reporting allegations and investigating misconduct, resulting in more professional and consistent handling of such allegations. Missions have put in place a range of mechanisms for confidential reporting, including through regional focal points and cooperation with local organizations and field missions' UN-NGO network. The United Nations 'whistle-blower' policy (ST/SGB/2005/21) protects individuals who report misconduct.

The United Nations will investigate allegations of misconduct involving its staff members and those personnel deployed with the status of experts on mission, essentially police personnel and military observers. Where an investigation substantiates misconduct, the United Nations takes disciplinary action against its staff members and refers matter for disciplinary actions by member States in substantiated instances involving experts on mission.

If an allegation is made against a member of a national military contingent, under the provisions of the model Memorandum of Understanding between troop contributing countries and the United Nations, member States will have the primary authority to investigate allegations involving such personnel and to take disciplinary actions, when warranted. In all instances involving personnel that are not staff members, the United Nations can take only limited action against such personnel (e.g. repatriation and barring from future missions) and must rely on the Member State to take disciplinary and/or criminal actions.

8.6.3 Remedial Action

A community-based complaint reception mechanism has been developed so that victims can use confidential and trusted avenues for coming forward to make reports of sexual exploitation and abuse. These mechanisms are already in place in various forms in seven peacekeeping missions. In March 2016, the Trust Fund for victim assistance was established. The Trust Fund will be used to support service providers who assist victims of sexual exploitation and abuse. Services provided to victims include medical care, psychosocial support, legal services, and immediate material needs, such as food, clothing, and safe shelter. All Member States have been requested to consider making voluntary contributions to the Trust Fund. The first pledge to the Trust Fund has already been made by Norway.

For remedial action, in the implementation of the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel, Conduct and Discipline Teams engage with interagency partners towards having formalized victim assistance mechanisms, including reporting mechanisms and referral pathways.

Conduct and Discipline Teams have also developed an adaptable template for monitoring and tracking services provided as part of the victim assistance mechanism, which should serve persons victimized by sexual exploitation and abuse to access the services they need as a result of these acts. These services include but are not limited to medical, legal, psychological and social services. The assistance being provided to complainants or victims does not replace or negate the responsibility of perpetrators of acts of sexual exploitation and sexual abuse. However, the provision of assistance is not an acknowledgment of the validity of the claims, a form of compensation or an indication of acceptance of responsibility by the alleged perpetrator.

Perhaps the most visible achievement that can be associated with these measures is the overall decline of the number of allegations of all forms of misconduct reported in peacekeeping and special political missions, over the last nine years, but in particular of sexual exploitation and abuse, from 340 in 2005 and 357 in 2006 to 60 in 2012 and 66 in 2013. However, this positive element is ruined by the fact that allegations concerning the most serious forms of sexual exploitation and abuse, namely sexual activities with minors and non-consensual sex, continue

to represent 50 per cent of all reported allegations; a figure that has remained fairly constant over the years.

8.6.4 Rest and Recreation (R & R)

The latest allegations of SEA by peacekeepers available for public consumption come from the CAR in which a peacekeeper was accused of impregnating a young woman. As with the previous cases, there has been little concern about local women and their lives which, as in the case of impregnation, leaves them a single parent in often-dire poverty. A year ago, a French peacekeeper allegedly sexually abused a teenage girl who gave birth in April 2015. The UN office said it will provide psychosocial and legal support to the girl and its family while a paternity claim was lodged with local authorities. While psychosocial and legal support is welcome, economic support for the girl and her child, or assistance in pressing paternity claims, seems absent. The assistance to victims, as recent report by the Office of Internal Oversight Services (OIOS) remains severely deficient.

In the latest CAR case too, the UN does not seem to preoccupy itself much with how a young woman would support her child and who had responsibility to provide support for more on peacekeepers' babies and the potential role of the UN, but seems more concerned about the "appalling conditions" in which peacekeepers have to live and serve on mission. The UN is even looking into chartering planes so that peacekeepers, especially from poor countries, can gain some rest and recreation, noting that some South Asian nations regularly send planes to take their troops on R&R for a week or two. The UN and senior security policy makers have long argued that improving recreational facilities and leisure programs for troops would help reduce their interest in prostitution. However, representing family programs, movies, sport and leisure as a solution to SEA repackages it as a problem of boredom and loneliness.

8.7 SEA in African Union Peacekeeping

In the failed state of Somalia, African troops are confronting Al-Shabaab and other armed opposition groups who pose a threat to the recognized Somali government and the security of the Somali people. These troops are fighting under the command of the African Union Mission in Somalia (AMISOM). AMISOM is now being asked to confront a new threat—the threat of sexual exploitation and abuse that their own troops pose to Somali women and girls. African Union (AU) peacekeeping operations are young compared to UN operations as they are just beginning to build their institutional capacity.

AMISOM is the flagship AU mission and, with 22,126 uniformed personnel, is the largest and most challenging of all the AU missions. Even with so many troops on the ground, the AU was doing business without focusing on conduct and discipline until 2013. AMISOM's zero-tolerance policy toward sexual exploitation and abuse was launched in September 2013, and only recently has the AU committed to establishing the policies, procedures and expertise necessary to reduce instances of sexual exploitation and abuse. AMISOM's credibility and reputation have suffered as a result of recent sexual exploitation and abuse allegations.

In September 2014, Human Rights Watch released a report that accused internationally funded AU peacekeepers in Somalia of raping women and girls as young as 12 and trading food and medicine for sex. Since the allegations surfaced, AMISOM has worked to reinforce sexual exploitation and abuse prevention efforts. According to Mumbi Mathangani, the AU Commission's senior conduct and discipline advisor, there are many parallels between the African Union and the UN. Mathangani says the AU's aim is to really draw from the UN how they deal with conduct and discipline issues and find out what will work in the African Union context.

The AU has committed to making sexual exploitation and abuse policy a priority. AL leadership Capacity Building and Strategy Formulation Workshop on Sexual Exploitation and Abuse was held between October 9 and 11 of 2015. At the opening of the workshop, the head of AMISOM, Ambassador Maman Sambo Sidikou explained, AMISOM must continually seek to improve its systems and processes in order to respond to the dynamics of the mission, particularly on issues that affect the most vulnerable in society, such as those of sexual exploitation and abuse of women and girls.

Mathangani hopes leadership will buy in and appreciate why this is an issue, so they are committed to dealing with SEA in the mission. Because Member State troop contributors have exclusive jurisdiction to investigate and punish crimes committed by their soldiers, involvement of the African Union's Peace and Security Council is essential. Mathangani says that although troop-contributing countries are hard on their troops for misconduct, they don't report. It is believed that the Peace and Security Council's military attaché committee must be made more robust in order to follow up effectively with member states and keep track of troop contributing country investigations of SEA.

8.8 Unit Summary

In this Unit, we discussed the occurrences of SEA in peacekeeping operations and that the scourge is perpetrated by the peacekeepers that are mandated to protect the vulnerable women and girls from human rights abuses. The term sexual exploitation and abuse has emerged as the term of choice by the UN for referring to a range of illegal and illicit behaviour, from forced sex to sex between adults in situations that would be considered consensual were the parties not be of such unequal power.

The UN has established initiatives to combat SEA during the missions. These include prevention, enforcement, remedial actions and the 'Rest and Recreation'. Other initiatives include mission induction training and data collection on misconduct, the UN has also developed victim assistance programs and attempting to develop a database of allegations against peacekeepers that will allow permanent exclusion of those who perpetrate or permit SEA. In addition, some mission commanders have instituted more stringent measures such as curfews, lists of establishments off-limits to UN personnel, requirements that troops wear uniforms off-duty, and telephone hotlines for reporting abuse.

SEA is a global problem that has been recorded in the AU peace operations specifically in the AMISON. Institutions such as the UN, Human Rights Watch, and other organizations have documented high levels of SEA against Somali women and girls, particularly the displaced. You will recall that the line between sexual exploitation and sexual abuse is a fine one given the vulnerabilities of the women and the power and financial disparities between them and the soldiers. The women who are sexually exploited become vulnerable to further abuse at the hands of the soldiers, and are also exposed to serious health risks including that the soldiers refuse to take precautions.

Activity

The 2003 Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse" (ST/SGB/2003/13), articulated a zero-tolerance policy against sexual exploitation and abuse of local populations by peacekeepers. Discuss why women and girls experience sexual exploitation and abuse in peacekeeping missions.

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