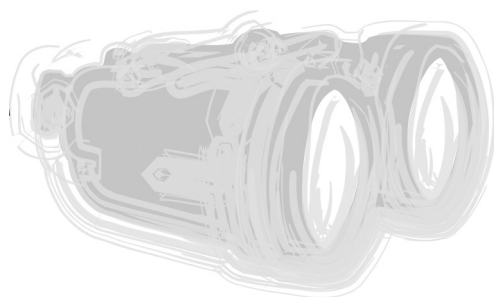


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NORWEGIAN EMBASSY

The **Centre for Civil-Military Relations** promotes the open and responsible participation of civil society towards increasing the security of both citizens and the state, based on the principles of modern democracy, The Centre also endeavours to support security cooperation with neighbouring countries and Serbia's integration into the Euro-Atlantic community.

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The Law on the Participation of Serbian Armed Forces and Other Defence Forces in Multinational Operations Outside the Republic of Serbia was among the security sector-related laws and strategies adopted by the deputies of the National Assembly of the Republic of Serbia at its autumn session. This meant that the military and the police were put, for the very first time, under the auspices of the same law and granted equal rights – the fact that was welcomed by the police. The shift of the strategic orientation represented another significant change – the previous law from 2004 allowed only for the participation in the operations under the UN mandate. This law permits the participation which is in compliance with the “common defence-related regulations”, which means participation within the Partnership for Peace Programme, ESDP missions, NATO missions or any other joint operations. Each mission, of course, must be approved first by the Parliament.

This issue of the Security of the West Balkans is dedicated to different dimensions of complexity inferred by the concept of multinational operations (MNO). The first text deals with the empirical research of the capacity of Serbia's defence forces for participation in multinational operations. The results of the research, based on the interviews with mission participants and decision-makers, reveal the scope and obstacles as well as the potential benefits of the participation in multinational operations. The new law provides for various forms of participation and we tried to describe them in this issue. Adel Abusara analyses traditional operations under the UN mandate and elaborates on their evolution in the post-cold war era. On the other hand, the text written by Igor Novakovic looks at the complexity and delicacy of NATO missions which began to be organised after the threat, in response to which NATO was established in the first place, had disappeared – the conflict with the Warsaw Pact countries. The problematic concept of the EU security policy is presented in the text dealing with the peace-supporting policy as a specific form of engagement under the mandate of this organisation. The participation of the “Coalition of the Willing” in the war in Iraq in 2003 gives an insight into the arguments for a multinational military operation conducted without the mandate of international organisations and military alliances, which

is a perspective on the MNO important enough to be represented in this issue.

This specific aspect of the security sector reform, which was put in the legal framework in the autumn of 2009, coincides in time with the professionalisation of the military. For this reason, the law also regulates the relation between the conscript army and the peacekeeping operations. In order to provide the reader with the insight into a similar practice, the text on Bundeswehr – German armed forces, deals with the evolution of the state's conscript army military engagement outside its borders and the heritage of conflicts. The author looked at the problems related to the armed forces and the debate in German society on the participation of its armed forces outside the state borders. The author Gorana Odanovic, and with regard to the decade of the UN Resolution 1325, provides arguments for a broader participation of women in peacekeeping operations. The last text endeavours to explain the connection between human security and humanitarian interventions through the "responsibility to protect" concept and examines the potential implications for the sovereignty of the states if this concept were fully applied. As the fight against terrorism is one of the possible forms of engagement in MNOs approved by this law, we decided to close this issue with the review of Phillip Heymann's book *Terrorism, Freedom and Security: Winning without War* and the conclusion that the fight against terrorism could not turn into a permanent state nor could the entire world be divided into friends and enemies.

Marko Milošević



Small Steps into the Big picture: Challenges and Obstacles to Serbia' Participation in Multinational Operations

Marko Milošević

Author is researcher in Belgrade School for Security Studies

Category: original scientific article

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Abstract:

The participation of Serbian Armed Forces in multinational operations is a topic of great importance for the citizens of Serbia and, as such, leaves little room for indifference. So far, a relatively small-scale participation has been presented to the public as a remnant of the tradition of the SFRY which took a considerable part in the mission during the Cold War period. A recently adopted new law, which regulates both the police and the military in Serbia, represents an improvement of the legal framework for the participation in the missions. However, certain points regarding the capacity of Serbian Armed Forces for the participation in the missions outside Serbia still remain unclear.

Key words: *the military, police, multinational operations, language, capacity*

* * *

When the author uses the terms "our country" or "peacekeeping missions" in the same sentence, he refers either to the involvement of the Yugoslav National Army (JNA) in the 1956-1991 period and its considerable participation in the blue-helmet missions, or to the wars waged on the territory of the former Yugoslavia where the same blue helmets were acting as sheer observers of the dissolution of a country. The arguments for the participation of Serbian military and police forces in the on-going peacekeeping missions are rarely expressed. While a relative lack of media coverage may, or may not, annoy an average citizen, the explanations

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offered by the professional public regarding the small visibility of the peacekeeping missions phenomenon amount to the lack of political will and resources. In this paper we will offer the arguments for the slow, but definite, return of Serbia to the international scene through participation in the multinational operations.¹

Context

Serbia is one of the countries that have a rather complicated attitude towards peacekeeping missions. Namely, considering the SFRY heritage as its own, Serbia has had a long tradition of the UN peacekeeping missions since they were introduced as a means of conflict resolution. Out of five missions in which it took part², the JNA constituted the largest contingent in one of them, while a JNA general was the commander of another one.

However, during the 90s of the last century, SFRY disintegrated in a number of successive wars. The international community reacted to the conflict in Europe by sending the UN peacekeeping troops (and other monitoring missions, such as the OSCE) to the buffer zones in order to separate the warring parties. The formal territorial borders did not correspond to the conflicting armed formations' demarcation lines, while the multi-ethnic structure of the war territories, which engendered the term "ethnic cleansing", represented an additional difficulty in the efforts towards establishing peace. Consequently, the efforts of the UN missions to separate the warring parties safely were hampered due to the insufficient numbers of their troops. The mandate of the mission - based on the chapter 6 of the United Nations Charter which stipulated the demarcation between the parties in conflict upon mutual consent - was another big obstacle. The conflict in Bosnia and Herzegovina was one of the first conflicts in which the UN implemented the mandate according to the Chapter VII, the so-called *imposition of peace*, which means the use of military action to speed up the end of the conflict. On behalf of the UN, and under the UN Security Council Resolution 836³, NATO carried out several air-strikes, with the positions of Serb forces around Sarajevo, Bihac, Zepa, Srebrenica, Gorazde and Tuzla for its main target. On the other hand, as far as Serbia is concerned, we witnessed the first independent NATO operation as a form of multinational operations in 1999, when, after three months of aggression on the Federal Republic of Yugoslavia, Slobodan Milosevic's regime was forced to

¹ Multi-ethnic operations are a more comprehensive term than peacekeeping missions which are their integral part. Apart from peacekeeping, this term encompasses such operations as: prevention of conflicts, joint defence operations, operations aimed at dealing with the consequences of international terrorism, as well as humanitarian operations. For more info look in MoD (2009) *The Law on the Participation of Serbian Military and Other Armed Forces in Multinational Operations Outside the republic of Serbia*, Belgrade, The Official Gazette 88/2009, article 2, Paragraph 1)

² Sinai (1956-1967), Yemen (1963-1964), Irak-Iran (1988-1991), Namibia (1989-1990) and Angola (1989-1991). For more information visit the website of the Serbian Armed Forces <http://www.vs.rs/index.php?content=4fad8a43-04d2-102c-b61c-7e17f68cdaa3> retrieved on 07/03/2010.

³ Resolution available at the UN website: <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N93/330/21/IMG/N9333021.pdf?OpenElement>



retrieve its troops from Kosovo and Metohia. This last one in the succession of Serbia-involved wars⁴, which was ended by the UN SC Resolution 1244, is even now used as an argument against the participation of Serbia in the multinational operations. Bearing in mind the history of the multinational operations in which Serbia participated, it should be determined what are the problems that a country, that first was a part of peacekeeping missions and then their "beneficiary", is faced with regarding its participation in peacekeeping operations.

Normative framework

The participation in the building and preserving peace in the region and throughout the world is the second (out of three) missions of the Serbian military, as defined in the Defence Strategy⁵. This mission is also addressed in the Law on the Serbian Armed Forces, referring to the Law on the Use of Serbian Army and other Armed Forces in Multinational Operations Outside the Republic of Serbia. This is the second law which regulates the engagement outside Serbian borders⁶, and its major contribution is that it encompasses the military and the police for the very first time, as well as other civil servants. Before this law was adopted, police officers were engaged in operations according to the provisions of the Law on the Police⁷. The advantage of this law is that it regulates certain procedural issues, such as the salaries of the employees, or health programme, which, through the implementation of the previous law from 2004, turned out to be questionable⁸. In this manner, the legislation demonstrated a clear intention to provide the participants in the missions with a better treatment and the protection of their rights.

Challenges and obstacles to the participation in missions

Serbia is currently participating in five missions under the UN mandate, the police in two and the military in four missions (as both forces are participating in the mission in Liberia).⁹ If we take into account the scope of involvement in the SFRY period, these numbers are not impressive, even more so as this is the military's second mission. The total of 34 soldiers and 11 police officers are taking part in the multinational operations. Such a low level of Serbian defence forces' participation in operations outside its bor-

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⁴ I use this term to describe the wars in former SFRY in which the citizens of Serbia took part (either through drafting or as volunteers) or members of Serbian nation as ethnic entities in conflicts in Croatia, Bosnia, Kosovo. It would be unprecise to label these conflicts, in the context of the phenomenon analysed here, as SFRY wars, as the last conflict leading to the dissolution of SFRY was in 2001 in Macedonia, where the armed rebellion of a part of Albanian population occurred. The analytical framework that the citizens of Serbia can identify with because of their ethnic or political connections includes the wars in Croatia, Bosnia and Kosovo, and to a lesser degree in Slovenia – some drafted citizens of Serbia did participate in it, but, from the point of view of peacekeeping operations, this conflict was not resolved through the involvement of the blue helmets.

⁵ Ministry of Defence (2009) *Defence Strategy*, p. 15, available at <http://www.mod.gov.rs/cir/dokumenta/strategije/usvojene/Strategija%20odbrane%20Republike%20Srbije.pdf>

⁶ For more information on the law regulations on the multinational operations look in Marko Milošević (2010) *The Law on the Participation of Serbia in Multinational Operations*, The Security of the Western Balkans, issue 15, year 4, Belgrade, CCMR, p. 22

⁷ Ministry of the Interior (2005) *The Law on the Police*, Beograd, Official gazette 101/05 article 19

⁸ Ministry of Defence (2009) *The Law on the Participation of Serbian military and other Defence Forces in Multinational Operations Outside Serbian Borders*, Belgrade, Official Gazette 88/2009 article 41, paragraph 2

⁹ Serbian military is present in Congo, Liberia, Ivory Coast and Chad, while our police sent its members to Liberia and Haiti.

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ders leaves room for apprehension. For this reason, it can be debated to what extent is Serbian military capable of fulfilling its obligations defined in its mission statement. In the further text we will look at the capacity of both the military and the police and their participation in the missions up to the present moment.

Serbian Armed Forces (SAF)

The activities of the Serbian Armed Forces consisted mostly of peacekeeping and medical missions. Apart from the already mentioned four missions, the Serbian Armed Forces (Yugoslav Army, The Army of SaM) took part in the monitoring teams in East Timor (2002-2005) and Burundi (2004-2006). With the exception of two medical missions (Congo and Chad), it could be said that the Serbian Armed Forces did not participate with a single unit in the missions, only with a small number of monitors. This fact can be approached from two perspectives: the first one refers to the capacity of the military, and the second to the financing of the missions. Namely, the capacity of the military to form a compact unit that could be sent to a mission and, in doing so, stress the political significance of its presence, is highly questionable. This is partly the problem of the lack of the political will for participation in the missions. However, we are primarily concerned with the military capacity. During 2005¹⁰, the Serbian Armed Forces were training the peacekeeping units, one engineering and one infantry company, with the accompanying medical and military police platoons. When this resource was exhausted, in February 2010, the training for the participation in peacekeeping missions began in the city of Zajecar¹¹, of a quite similar composition – one infantry company, a military police platoon and one ABHO platoon. According to the existing law, once the training is completed, a trained unit is operational for a period of three years.¹² Of course, the whole formation could not be sent to a mission but only one third of it. Other two thirds are kept for rotation.¹³ Therefore, at the end of the training, Serbian Armed Forces will have one infantry platoon and one military police and ABHO unit respectively.

Some foreign mission participants estimate that the capacity of Serbia amounts to the strength of a platoon.¹⁴ The experience of Croatia, Bosnia and Macedonia, which take part with the contingents of this size, have been used as a point of reference. Such engagement of the Serbian Armed Forces entails yet another prob-

¹⁰ Marko Milošević, *Peacekeeping Missions – Serbian Debate*, in M. Hadžić (ed) (2006) *The Security in the Western Balkans*, Belgrade, CCMR, p.30

¹¹ Serbian Armed Forces' website http://www.vs.rs/index.php?news_article=6a3fd128-6dee-102d-8a7e-00215e73a110 accessed on 18.02.2010

¹² The MoD (2009) *The Law on the Participation of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Outside Serbia*, Belgrade, Official Gazette 88/2009, article 30, paragraph 3

¹³ In order not to keep a unit on the ground all the time, the rotation principle is used. Most often, while one unit is in a mission, the other unit of the same strength is undergoing preparations to be sent to a mission so that the previous contingent can be replaced. The third unit, upon returning from the mission, is taking a rest.

¹⁴ Statements of several interviewees – military attaches, mission members during an interview in the CCMR research project "The Challenges of an Increased Participation of Serbia in Multinational Operations", conducted in the period October-December 2009.



lem – the logistics. A platoon is not, in terms of logistics, as independent as a battalion or even a company and it requires a strategic partnership with the contingent of another country. This type of partnership raises the issue of inter-operability (the compatibility of the equipment and the procedures) as well as the knowledge of foreign languages. It is possible to engage a certain number of soldiers who do not speak a foreign language (English) in a larger contingent (a battalion, up to 500 people) without any serious consequences for the mission. However, this is not feasible in smaller contingents. Romanian military, according to one of its officers¹⁵, had in its battalion in Iraq 40% of soldiers who could speak English, 60% of non-commissioned officers and 80% officers, but all liaison officers and senior officers were very fluent. A satisfactory level of the knowledge of foreign languages remains a big problem of the Serbian Armed Forces' staff.

Another issue, that results from the previous capacity analysis, is the financing of missions. The funds for missions are not allotted from the budgets of the relevant ministries but from the budget of the Republic of Serbia, on the basis of the *Yearly Plan*,¹⁶ which is created by the MoD and the Ministry of the Interior in accordance with the scope of engagement in the multinational missions planned for the following year. The previous regulation, which did not apply to the police, envisaged only the participation under the auspices of the UN. This form of engagement is more lucrative, as a part of the assets that the state invests in a mission are refunded by the UN. The new law, however, does not contain this provision, so it is possible to take part in the missions within the Partnership for Peace programme, the EU or NATO defence and security missions, as well as other missions in accordance with common defence-related regulations. In this case, the state is not granted any refunds.

Some poorer countries “maintain” their military by participating in the UN missions. By sending larger units, which are refunded by the UN, these countries finance their defence sector. However, it must be observed that the UN covers only a part of the expenses, not the total sum, as it is often wrongly interpreted. According to the estimate that we received¹⁷, the UN refunds between 30% and 40% of the expenses. Still, as the UN calculates the expenses according to its own rates, there is always some room for generating revenue. An example of such calculations are the armies of Pakistan, Bangladesh and under-developed countries which send bigger infantry units and out-dated equipment. As one

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¹⁵ The data obtained in an interview which was a part of the CCMR research project “The Challenges of an Increased Participation of Serbia in Multinational Operations”, conducted in the period October-December 2009.

¹⁶ The MoD (2009) *The Law on the Participation of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Outside Serbia*, Belgrade, Official Gazette 88/2009, article 7.

¹⁷ The data obtained in an interview which was a part of the CCMR research project “The Challenges of an Increased Participation of Serbia in Multinational Operations”, conducted in the period October-December 2009.

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participant pointed out: „*They see a window of opportunity for some extra money if they send to missions (I'm talking about Uruguay here, what its officers told me) some old models of tanks and trucks, to be used in Africa and Asia, in under-developed countries. And these are kept there, in the parking lots. For this they get a daily amount of money. We are talking about a sort of remuneration here. They get 100 dollars daily for each truck. So they ship a hundred trucks to Kinshasa, but they use only ten on a daily basis, while the remaining ninety are stationary on the parking lot and that's what they get the money from. This is how you can generate some cash.*“¹⁸ As for the financing of the UN missions, the military monitors receive the UN per diems, but a part of that sum goes for rent and food. It's a matter of personal budgeting as to how to save (on yourself) and earn the income. As far as the contingents go, our interlocutors agree¹⁹ that the financial support is much greater, thus making it possible for the country to refund a part of the invested money. However, as the Serbian Armed Forces do not have a single military unit on the ground, there are no first-hand data available regarding the financial feasibility of the participation of our contingents in the missions.

Ministry of the Interior

The Ministry of the Interior took part in the missions much later than the military, the first mission being the one to Liberia, in April 2004. At the time, the police were regulating foreign assignments on the basis of the Law on the Police²⁰ which stipulated that the decision about the participation in the missions was to be made by the government and upon the proposal of the Prime-Minister. The new law on multinational operations created a gap between the responsibilities of the police and the military respectively, due to the speed at which it was adopted.²¹ Namely, the Parliament of the Republic of Serbia was excluded from the process of deciding about the sending of police officers to foreign missions (the parliament has this authority over the military) as well as from some other overseeing functions. This unfortunate solution was more the consequence of a hasty adoption of the new law in October 2009, than a pre-conceived obstruction of the parliament. It is the issue of the harmonisation of the laws procedure when the deputies, already burdened with the numerous proposals in the autumn session, would have to deal with the amendments and modifications of the law on the police in order to revise the Article 19 of the above-mentioned law.

¹⁸ The data obtained in an interview which was a part of the CCMR research project "The Challenges of an Increased Participation of Serbia in Multinational Operations", conducted in the period October-December 2009.

¹⁹ The data obtained in an interview with several interviewees, which was a part of the CCMR research project "The Challenges of an Increased Participation of Serbia in Multinational Operations", conducted in the period October-December 2009.

²⁰ The Ministry of the Interior (2005) *The Law on the Police*, Belgrade, Official gazette 101/05 article 19; This law replaced the previous one which was periodically modified in 1991, 1996, 2000, 2001, 2003.

²¹ For more information on legal regulations pertaining the multinational operations look in Marko Milošević (2010) *The Law on the Participation of Serbia in Multinational Operations*, The Security of the Western Balkans, issue 15, year 4, Belgrade, CCMR, p. 22



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Police missions are different from the military missions. The military first comes to the conflict/post-conflict environment and provides a cease-fire on a macro plane. The task of the police is to establish law and order in the post-conflict area. The military, roughly speaking, imposes a cease-fire and truce by the use of arms, whereas the police can use the weapons as the last option in maintaining the law and order. The police staff members that we talked with told us that police missions were less safe than the military ones. Police missions are also specific in terms of a horizontal cooperation. The police officers' task is to bring the suspects to justice, and that requires cooperation with local (or international) prosecutors and the judiciary. The story of a member of the MINUSTAH mission to Haiti clearly exemplifies the complexity of the situation. After having arrested the boss of a local narco-cartel, the international mission handed him over to the local court which, a day later (due to the pressure from the community, informal power or sheer intimidation) released him with an apology.²² Our interlocutors from the Ministry of the Interior agreed that the success of a police mission depends also on other bodies of authority, and also that the implementation of legal measures jointly with local prosecutors and the judiciary is much harder in areas ridden with poverty and corruption. On the other hand, the establishment of international instruments of authority threatens the sovereignty of a country. Bearing this complexity in mind, we will try to explain the involvement of Serbian police forces in the missions up to the present, as well as the issues concerning police missions.

The composition of police missions can be twofold: *deployed or seconded*. Serbian police participate in the first type of missions, which implies that Serbian police staff members are engaged in another country under the UN mandate. The other type implies that Serbian police officers are practically employed, based on a contract between our Ministry and the UN, in a specific mission for a year or a two-year period. As our police staff have not been engaged on the second type basis, we will concentrate on the first one. The police officers are the MoI employees but they are sent on command to another country. They receive their regular salary and MSA²³ UN per diems from which they cover their rent and food expenses. Like the employees in the Serbian Armed Forces, the way of economising with this money is the financial aspect of the participation in multinational operations – the more money you deduce at the expense of your safety and nutrition – the more you will take back home.

According to the type of mandate, the missions can be executive or peace-enforcement missions. In executive missions, the police offi-

²² The data obtained in an interview which was a part of the CCMR research project "The Challenges of an Increased Participation of Serbia in Multinational Operations", conducted in the period October-December 2009.

²³ *Mission Subsistence Allowance* - type of daily allowances that UN pays to participants in missions.

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cers carry out their duties regularly in a foreign country, while peace-enforcement missions are more specific and imply the training of the local police force, that is, the strengthening of the capacity of local institutions. Depending on the type of the memorandum on cooperation, the officers can or cannot carry weapons. The equipment (helmets, radios, vehicles) is provided mostly by the UN, whereas personal weapons are provided by the country of origin.

So far, Serbian police have had 11 members working on the training of the local police forces. Though strong in terms of numbers, Serbian police have two organisational problems. The first problem is coordination – according to the ministry’s job descriptions, only two positions are allotted for the coordination of the matters related to peacekeeping missions and only one is currently taken! For the sake of comparison, the military capacity is much larger as tens of its members are employed in the specifically designed Center for Peacekeeping Missions. The other problem, and this also applies to Serbian Armed Forces, is the knowledge of foreign languages. According to our interlocutors, although the level of professional expertise is high, the knowledge of foreign languages – English and French – is a limiting factor that significantly influences the selection of the staff for the missions. In addition, and as is the case with the military, this factor hampers the sending of larger units to foreign missions.

Capacity

When summing up the challenges and threats of peacekeeping missions, analysed from different perspectives, attention should be given also to corrective mechanisms which could affect the Serbian defence forces’ capacity for taking part in multinational operations. On a collective level, the issue of sending the troops, as well as the issue preceding this one, of the knowledge of foreign languages, should be addressed. On an individual level, we will tackle the issue of motivational factors which could have an impact on the numbers and quality of the staff sent to missions.

Foreign Languages

Fluency in foreign languages is a necessary pre-requisite for the participation in missions, according to the number of personnel sent and the type of engagement. We will analyse the Serbian Armed Forces and the Ministry of the Interior separate-



ly, as two organisational units, because they have their own specific resources – the existence of any joint working bodies has not been identified yet.

Being aware of this obstacle, the military focused on the foreign language acquisition, especially English language training and is using the existing capacities of the Military Academy for that purpose. The STANAG 6001 English language standards have been used in this institution for several years. They are based on the functional inter-operability of communication in English and require language training that lasts for several months. There are no relevant data available regarding the raising of the Serbian Armed Forces' staff capacity. However, the participation in peacekeeping missions does not grant priority to the candidates enrolling at these courses and, therefore, the insufficient use of this resource cannot be elaborated on any further.

The MoI does not make use of this resource at its Criminal-Police Academy. The interviewed MoI staff claim that young academy graduates demonstrate a considerable improvement in their English language skills, which is a recognized pre-requisite for a promotion. On the other hand, the OSCE Mission to Serbia has conducted, in cooperation with the MoI, several English language courses for the MoI staff. The problem arose in the human resources area and arguments among some directorates within the Ministry, which considerably decreased the functionality of the programme. Another aggravating factor was the intention of the OSCE Mission (in accordance with the aim of raising the capacity of the MoI) to fund the language courses initially and that the state, that is, the Ministry, should later continue with the financing of the project once it has fully realised the benefits of such programme. Apart from financial problems, the time needed for course coverage was another organisational problem. An intensive course would require 4 months of staff's absence from work – a luxury which the MoI did not recognise as a reason good enough for straining its resources. The training was conducted after regular working hours, a couple of times a week, over a span of several months. The results were less than satisfactory – the fact that both the OSCE and the MoI agree upon. Though the MoI has been toying with the idea of organising a similar programme for French, in cooperation with the French Cultural Centre, the same logistic obstacles would probably appear again ²⁴.

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²⁴ The data obtained in an interview which was a part of the CCMR research project "The Challenges of an Increased Participation of Serbia in Multinational Operations", conducted in the period October-December 2009.

The Sending of Troops

According to the MoI and SAF estimates, the capacities for sending the troops exist and this is work in progress. A newly established base “South“ in the land safety zone offers excellent conditions for trainings, while police centres in Kula and military bases in Pancevo are also mentioned as potential training centres. The military training has started recently in the Zajecar barracks. The police also organised several trainings in Kula and the programme for training police units in Vicenca, in the Centre for the Training of Police Units for Participation in Peacekeeping Operations (COESPU). Military medical teams, which have received a lot of praise during their assignment to the missions in Chad and Congo (they use the Military Medical Academy in Belgrade as their resource), represent a specific type of participants.

Motivation

The biggest problem, however, is the individual motivation. The previous law recommended the participation on a voluntary basis but the new law does not endorse this anymore. Nevertheless, the common practice and the resources still resort to this principle in selecting candidates for missions. The respondents who took part in the missions do not deny the financial aspect which does count in making the decision, but they also claim that participation within contingents is more lucrative. On the other hand, the knowledge and expertise gained can be very useful in professional terms (especially in the medical field) but an institutional mechanism for using that potential has not been put in place. Upon returning from the missions, the staff cannot count on any systemic promotion, which is equally harmful for the state and the potential mission candidates. In the absence of a formalised human resources policy, the SAF have come up with one, though not sufficiently used, but still visible, model for recruiting the members of missions for the jobs related to the civil-military cooperation. Namely, the curricula of the Military Academy cover this topic in only several units, while the reality is much more demanding – a multiethnic environment and the underdevelopment of some regions encourage the development of civil-military cooperation. The experience of monitoring missions is relevant for dealing with this topic and can be considered as one mode for implementing the knowledge gained in peacekeeping missions.



Conclusion

The adoption of the Law has triggered a chain of events in the Serbian defence system, such as : sending a mission to Congo, the possibility of the police engagement in the ESDP mission and the training of military units for missions. It is generally accepted that this is a qualitative leap that Serbia can benefit from. Bearing in mind that some flaws mentioned in this paper can be corrected by the adoption of by-laws, we will refrain from any serious criticism. The lack of a clearly expressed political will for the greater participation in the missions remains the biggest obstacle to further engagements.

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UN Peacekeeping Missions between Glorious Past and Uncertain Future

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Abstract

The peacekeeping missions of the United Nations have become their most visible concept. From the moment they were first established until now, they have gone through significant changes. Compared to a traditional mission from the Cold War era, current missions are no longer involved only in inter-state conflicts, they have began to understand the concept of self-defence in a much wider context, but they also got an important civilian dimension. Still, in spite all the changes, they are nowadays more than ever at the crossroads, i.e. the purpose of their existence is now questioned more then ever.

Key words: peacekeeping operations, United Nations, peace-keeping, peace-building, peace-enforcing, Security Council, Secretary General, Cold War.

Introduction and typology

At the pinnacle of the World War II, and when the victory of the Allied Forces over the Axis Powers was already imminent, one of the ideas of the “founding fathers” of the United Nations was to “solidify” the new system of collective security by establishment of permanent standing army of the UN. This army, as an operational part of the collective security concept, remained at the level of idea and it had the fate of many other ideas which perceived the UN system as the one which would “end all the conflicts”. Instead of this there was a unique and dynamic instrument for resolving (above all inter-state) conflicts – *the peacekeeping missions*. Such an *ad hoc* establishment of the international military forces in order to control and resolve armed conflicts has become over the



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time one of the main instruments of the UN policy and it was the manifestation of necessity rather than a carefully designed action.

Although every mission is “the case in its own”, we can still pinpoint the milestones in their sixty-four years of development, thus grouping them into particular clusters. The “evolutional development” of the peacekeeping missions’ concept followed the political development in the world, i.e. the (in)competence of the UN to play the key role during the Cold War and position itself after it ended up in the multi-polar world. Several models came out as a result, all shaped on different criteria. The simplest classification is on the *traditional and multidimensional peacekeeping missions*, with the turning point between the two categories between 1989 and 1993. A more complex variation of this basic classification formulates four generations of the peacekeeping missions: *traditional peacekeeping*, *multidimensional peacekeeping*, *operations after the Dayton Agreement* and failure of the UN operation in Bosnia, as well as *complex multidimensional peacekeeping operations* in the new millennium (beyond 2000). Apart from this, one of the well known typologies of the peacekeeping missions is based on their purpose, i.e. on the type of tasks the mission members perform. This typology was formulated by Marrack Goulding, a long term UN Under-Secretary General for Peacekeeping Operations, and this typology includes at least 6 types of peacekeeping operations¹:

- Preventive deployment of the UN troops before the armed conflict actually breaks out, at the request of one of the parties and exclusively at their territory;
- Traditional peacekeeping operations as support to the efforts to establish the conditions for political negotiations and establishment of sustainable peace;
- Operations which aim at implementation of the agreement that has already been reached between the parties in conflict;
- Operations which aim at protection of humanitarian aid delivery during the war operations;
- Operations enforcing peace, including deployment of the UN troops in the countries where the state institutions were non-functioning or where they did not exist and where the anarchy ruled;
- Enforcing peace in line with the second type – peacekeeping, but with the UN troops’ mandate to use force against any party that would breach already signed peace agreement.

¹ Goulding, M. (1993) „The Evolution of UN Peacekeeping”, lecture at the Examination School, Oxford delivered on 4 March 1993.

Of course, this typology lacks the latest type of complex multi-dimensional operations of the new millennium, which include both the military and the civilian dimension of the administration of a certain territory.

Due to objective limitations, this paper will be mostly based on the simplest typology, i.e. on division into traditional and multi-dimensional UN peacekeeping missions, in an attempt to explain the basic conceptual differences, the philosophy of their origin, the circumstances which led to the (r)evolution of peacekeeping missions, but also the perception of their future development, possibilities for further existence and necessity of conceptual change of such missions.

Origin, definition and basic principles of traditional UN peacekeeping missions

There is no definition of the peacekeeping operations on which everyone agrees, the scientists even argue about what can be considered the first peacekeeping mission. Some interpretations go so far in the past that the origin of this phenomenon is seen in demarcation commissions which were drawing many European borders during the 1920s, after the World War I. However, the UN officially lists the UNTSO as the first peacekeeping mission – the unarmed observers who were sent to Palestine in 1948 to observe the truce between Israel and its Arabic neighbours.² Speaking of the definition which would suit the traditional type of UN peacekeeping mission, typical of the Cold War era, the most comprehensive one was again given by Marrack Gouling: they are “...field operations established by the UN, with the consent of all the stakeholders, and with the aim to control and peacefully resolve the conflicts among them, under the command and control of the UN, paid by all the UN member states and for which they deploy military and other personnel at their free will, which act in a completely unbiased and independent manner and which use minimal force”.³ Such a definition is in fact the compilation of the basic principles of deployment of the “blue helmets”⁴, formulated by Dag Hammarskjöld, UN Secretary General from 1953 to 1961. The analysis of these principles can, with a certain level of generalization, explain the scope of action, powers and objective limitations of traditional UN peacekeeping missions.

² This was not the first attempt by the UN to resolve the conflict – the first was in the Balkans, i.e. the Special Commission established by the UN to verify the claims of Greece that Albania, Bulgaria and Yugoslavia were supporting the guerrilla in Northern Greece in 1947.

³ *Ibidem*

⁴ This name was given to the UN forces during the peacekeeping operation in the Suez Crisis because of the characteristic colour of their helmets, which differentiated them from the parties at war.


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- Peacekeeping operations were exclusively the *UN operations*. This means that they were established by one of the UN bodies (Secretary General, Security Council, General Assembly), which automatically excluded the operations in Korea from the UN system of peacekeeping operations, and later on the operations in Kuwait and Somalia, in which the Security Council (SC) only authorized some of the member states to undertake the military action with a specific goal. These operations are always under the command and control of the Secretary General and the financial burden is carried by all the UN member states. This is exactly what made them acceptable for both (or all) parties in a conflict.
- All the parties in conflict must *agree* on deployment of the “blue helmets”. In this way the possibility of suffering losses is reduced for the peacekeeping forces, since they are much more acceptable to all the parties in conflict. The problem is that the agreement can be given, but it can also be easily withdrawn. Once a party decides to resort to war, there is little that can be done to prevent such a decision.
- The principle of *neutrality* of all the peacekeeping forces – the “blue helmets” must not serve the interests of any of the forces, in any possible way. Of course, this did not mean that they could not have used the pressure, criticism or mobilization of the international support, etc. This argument forced the members of peacekeeping operations to maintain normal communication with the party that was condemned by the entire international community, which sometimes could have had a negative impact on the UN's image.
- The fourth principles referred to the *troops necessary for functioning of the UN peacekeeping operations*. Since the idea of the standing UN army had been abandoned even before it was operational, and there was no legal framework for automatic deployment of the troops for the UN peacekeeping operations' needs, the Secretary Generals mostly relied on member states to voluntarily put their troops at disposal of various operations.
- The last and, in the latter years of the traditional missions, the most controversial principle was the *use of force*. More than half traditional missions (up to 1989) were unarmed and mostly monitoring missions. However, even when the missions were armed, they could have used the force only in

self-defence. Still, as of 1973 the interpretation of the “self-defence” has widened as the situation in which the “blue helmets” react because they are prevented from implementing their mandate. This principle has been significantly changed during the period of establishment of the new, multidimensional missions.

Operations of “Chapter Six and a Half” of the UN Charter

The topic in the initial part of this section is in fact the (lack of) existing legal ground for the peacekeeping operations within the UN system. The concept of collective security was initially designed in its operational form, as stipulated in the Chapters VI and VII of the UN Charter, and the word *peacekeeping* is not mentioned anywhere. Still, the *ad hoc* international military forces were established during the Cold War under the application of Chapter VI (“Peaceful conflict resolution”), although over the time the mandate of these forces became much wider than the mere UN actions provided for in the Chapter VI of the Charter. However, this mandate was still narrower in its content than the measures envisaged in the Chapter VII of the Charter (“Measures in case of threat to peace, violation of peace or in case of aggression”). This Chapter of the Charter gains its importance as the legal ground for the UN peacekeeping missions in the post-Cold War era. The title of this section comes from this “non-belonging” to either Chapter of the Charter.

Between 1948 and 1987 the Security Council initiated the total of 15 missions, mostly to prevent the escalation of the conflict that had already started. Half these missions were in the Middle East, in the region which had (and still has) obvious geo-strategic importance for the key permanent members of the Security Council. In spite of great importance that was given to the peacekeeping missions as the UN’s attempt to establish themselves as the pillar of a true system of collective security under difficult circumstances, their small number indicates that the limitations of the Cold War prevailed after all. These limitations include the fact that the UN was given the mandate to prevent *inter-state conflicts*, which were mostly the consequences of the Cold War “alliance”. Limited mandates that were given to the peacekeeping operations by the Security Council or by the General Assembly did not give them the authority to eliminate direct causes of conflict, but the “blue hel-



“mets” were just to support creation of the conditions that would enable the parties in conflict to resolve it themselves. Lack of commitment of the key stakeholders at the international scene to reaching a sustainable solution turned out to be the key problem. Already after the problematic deployment of the UN in Congo in 1960 and 1961, it became obvious that the UN mandate needed to be more complex and the peacekeeping operations better organized in order to have the peacekeeping forces more directly involved in the conflict resolution process and in order for them to take an active role in rebuilding of society and elimination of all the consequences of conflict. This, however, was possible only after the Cold War (and it was with varying degree of success).

The mission in Congo deserves a few more words – it was the only exception between 1948 and 1989 in several respects. This was the only mission that attempted at resolving the *internal conflict*, which was devastating and it particularly endangered the civilians. Although at the beginning of their mandate the peacekeeping forces implemented the existing self-defence standards, later, because of the changed situation in the field (but also because of the tragic death of the UN Secretary General Hammarskjöld), the mandate of the “blue helmets” was extended and they were given greater powers to implement repressive actions which were closer to the Chapter VII of the Charter, i.e. to *enforcing peace*. Apart from providing activities typical of traditional operations, “...the UN mission... provided protection to the civilian population and used force in this direction, but it also ensured the flow of necessary food items. Here lie the roots of restoration of the humanitarian activities by the peacekeeping missions which would be undertaken after the Cold War...”⁵.

The peacekeeping operations in this period were the only possible response of the UN to the specific circumstances that existed within the international community. This was the way to hold within some degree of control the conflicts among different states, but also to use various mechanisms to facilitate the resolution of these conflicts. The failings of these operations did not come from within, but from the environment in which they were established. Still, the presence of the peacekeeping missions in certain areas sometimes, over the time, led to “freezing” the conflict and to its pacification. Finally, the practice which was created through implementation of the traditional peacekeeping missions was significant, since in spite of all its limitations, it represented the basis for development of the new forms of UN peacekeeping missions.

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⁵ Milisavljević, B. (2007.) „Nove mirovne misije Organizacije ujedinjenih nacija“, Službeni glasnik, Beograd, p. 46.

New UN peacekeeping missions – tasks and structure

Changed relations within the international community – the end of the Cold War and of the bipolar world order led to a real "inflation" of the UN peacekeeping missions: compared to 15 during half the century of the Cold War, over the following 20 years 51 missions were initiated. Only between 1989 and 1993 17 new missions were deployed. Most of those were the international community's responses to some *internal* conflicts and most were characterized by a serious divergence from the peacekeeping model used up to that point. The paradigm shift, i.e. dealing with mostly internal conflicts and civil wars, had irreversible impact on the changed concept of the peacekeeping missions. The best example for this is the need to have both parties agree to deployment of the UN forces between them. But what is not clear is who the representatives of the two parties are, or even worse (and which is more frequent), if there are more parties in conflict? Or, how to legitimize some separatist movement by asking their representatives' consent to deployment of the "blue helmets"? Or, even when the conflict stops, is there any point in withdrawal while leaving behind the anarchy and economy shattered by war? These are just some of many dilemmas facing the UN when it was supposed to intervene in bloody internal conflicts which occurred during the last decade of the 20th century. As a consequence, the peacekeeping missions were given a completely new design and functions. They outgrew their predecessors, they became the *peace-building* missions, and sometimes even *peace-enforcing* missions.

Such changed goals of the missions led imminently to the change in their structure, establishment of new components and addition of new tasks. The key difference was in strengthening of the civilian component of the missions. This implies civilian police functions (CIVPOL), monitoring of elections and democratization, provision of humanitarian aid, economic reconstructions and work on long-term development programmes, civil engineering, monitoring of human rights implementation and more and more frequently physical protection and de-mining. Ambitious civil component of the missions required appropriate protections, i.e. a larger number of well-armed soldiers, but also a much more competitive command structure. The response to the latter came in the form of the institution of the Special Envoy of the Secretary General (SESG), to whom both the military and the civilian component of the mission are accountable. Increased role of the SESG



brought greater capacity to the peacekeeping mission in negotiations, but it also opened the opportunity for the peacekeeping missions to be less “pattern-based” and be much more tailored to the specific needs of the field. In 1992 the UN Department of Peacekeeping Operations was established and its seat was in Brindisi. The task of this Department is to assist the Secretary General in policy making and establishment of procedures for specific missions, and it also has the possibility to suggest new missions, based on the relevant data it collects on the conflicts around the world.

Evolution of the new missions, authorization and problems

After the Cold War ended there was, as it turned out, ungrounded enthusiasm among the statesmen and scientists about “unblocking” of the Security Council, which, according to many, meant possibility to significantly reduce the number of conflicts and to have the UN absolutely capable to control and pacify the remaining conflicts. The final goal was to end all the wars, thus ending the history.⁶ The painful wake-up came very quickly in the form of conflicts in Somalia, Rwanda and wars in former socialist Yugoslavia. These conflicts showed that the UN was still not up to the challenges of the new era. Wrong assumptions on the possibilities for escalation of the conflict, failure to be effective in the field, limitations stemming from (already) obsolete provisions on the peacekeeping missions, lack of proper understanding of the nature of the conflict, all led to the facts that the mission in Somalia failed, that the withdrawal from Rwanda resulted in atrocious genocide, and that the UN were humiliated in former Yugoslavia (remember the images of the UN representatives tied to the lampposts) and forced to let the NATO, i.e. the USA resolve the situation.

Facing a series of failures, the UN Secretary General at that time Boutros Boutros-Ghali concluded in 1994 that the UN “should not be alone in dealing with large and demanding operations of peace-enforcing, but that the Security Council should authorize the so called Coalitions of the willing or the regional organizations to get involved as well”.⁷ Such a solution, over the time labelled as the “*system of authorization*” practically meant that in situations in which the UN were unable to provide sufficient support to implementation of specific activities which required high level of equipment and operational capacity, they could seek support in

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⁶ See Fukuyama, but also the liberal theories of “democratic peace”

⁷ Malone, D. and Wermester, K. (2000) „Boom and Bust? The Changing Nature of Peacekeeping“, *International peacekeeping* Volume 7, Issue 4 Winter 2000 , pages 37 - 54

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implementing the mission from the states or from the regional organizations. “The support was required for different activities, starting from control of implementation of the sanctions, conduct or armed activities to authorizing the states to implement the peacekeeping mission’s mandate that was established by the Security Council”.⁸ Justification for the use of this system was found in liberation from the occupation (Kuwait case), reinstating the legitimate government (Haiti), as well as establishment of the internal peace and security (East Timor). Probably the best known case of authorization took place in Bosnia and Herzegovina, when the UN, practically in despair, gave the mandate to the NATO (as the regional organization) to secure military (air) support to the UN efforts. This case applied the so called “double key”, by which every decision on any type of the military operation had to be approved both by the NATO command and by the UN Headquarters. Such a situation without precedent frustrated the US officers (in the NATO uniform) to such an extent that they tried never to make a similar mistake again.

The system of authorization, with all its positive sides, revealed how big the limitations of the UN were in the wake of the new millennium. The end of the Cold War did not bring much desired strengthening of the UN’s authority, quite the opposite. The impression was that the *status quo* which existed between the USA and the USSR during the Cold War gave much more manoeuvre space to the UN than it was the case afterwards. Aware of this, and facing an increasing number of conflicts and non-functioning states, Kofi Annan, Boutros Boutros-Ghali's successor at the position of the UN Secretary General, asked for “thinking anew” on the way in which the United Nations safeguarded the political and human rights and responded to the humanitarian crises that affected the world so significantly”.⁹ Annan also commissioned the so called *Brahimi Report*, which was supposed to be the result of a comprehensive research of the past and current peacekeeping operations, including challenging their basic principles. The Report was supposed to propose a completely new way in which the UN bodies would better respond to the political and humanitarian crises. The Report was presented to the public at the UN Millennium Summit in 2000. In spite of great expectations, it only focused on how the UN Secretariat could have better organizations of its staff in the field in order to achieve better results. Four main recommendations of the Report are:

⁸ Milisavljević, B. (2007.), *op. cit.* p. 120

⁹ Annan, K., „Address of the Secretary-General to the UN General Assembly”, 20 September 1999 (GA/9596).


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- Military component of every peacekeeping mission should be robust enough to effectively defend itself and the civilians under its protection.
- There should be more communication between the Security Council and the troops of the participating states.
- The Security Council should not authorize the mission until it has allocated resources to fulfil its objectives.
- Planning and management of the peacekeeping operation should be reorganized in order to improve the coordination, and the staff should be recruited based on their expertise.

Although after the publication of the Brahimi Report the reviews were very favourable, the situation quickly changed. The first criticism was that the Report was too general and sometimes deliberately lacked clarity. In this context the word "robust" was frequently mentioned, and there were speculations on what it really meant. Apart from that, it was clear that not much was left of Annan's "thinking anew" concept. On the other hand, the first post-Brahimi missions (Eritrea, Côte D'Ivoire and extension of the mission in DR Congo) resembled much more the traditional peacekeeping missions from the Cold War era than they were a revolutionary concept. Finally, the civilian UN mission in Kosovo (UNMIK), which followed an unauthorized intervention of the NATO against Serbia and which had the NATO as its military component, caused a lot of stir and a series of practical and theoretical polemics. They can all be summed up in the question if, by agreeing to take over the administration at the entire territory, the UN actually gave legality to the NATO intervention against Serbia, which had not been authorized by the Security Council? Does this mean that the unilateral humanitarian interventions without the UN mandate are the future of the world at the beginning of the new millennium? And has this irreversibly derogated the legitimacy of the UN?

Conclusion

Although their existence was not predicted in the way they eventually turned out, the peacekeeping missions have become probably the most transparent institution of the United Nations. During the Cold War the UN did not have the power or the possibility to prevent conflicts among states, nor to completely stop them at their roots, but their deployment, sometimes over the

decades, caused some of the conflicts to calm down, to "freeze in time", so to speak, or not to escalate into major wars. Peacekeeping missions have contributed to the greater cohesion of the international community and to the feeling that something is done for the "common cause". The end of the Cold War shook the foundations of the peacekeeping operations. Although there was their inflation, they failed to fulfil their tasks in several cases and meet the requirements of the changed constellation of powers in the world. This caused the need for their modernization and even more important position within the UN system. Increased number of tasks, strengthening of the civilian component, and in some cases the opportunity to administer the entire territory in dispute, were the steps forward in the process of development of peacekeeping missions. Still, their fate, just like the fate of the UN, is at the turning point: the entire organization and the peacekeeping missions themselves are looking for new reasons for existence in the world in which the "big ones" are more and more often deciding to take independent actions. The way in which they will respond to these challenges in the next few years will largely determine their fate.

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Multilateral Operations - NATO

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Abstract

After the breakdown of Eastern-European socialist regimes and the decline of the Warsaw Pact, security structure of Europe, as well as the nature of security issues which NATO members had to confront with, have changed. The new security challenges have inflicted the need for the North Atlantic Alliance to find a new concept of functioning and adequately responding within changed security conditions. In the „Multilateral operations – NATO“ paper, we set forth the development of North Atlantic Alliance after the end of the Cold war, as well as the Alliance’s evolution from a traditional defensive military alliance towards a multidimensional-structure organization, engaged in various multilateral operations. The author has payed special attention to the classification of the legal basis of Alliances engagements and types of international operations conducted during the last twenty years, after redefining of NATO’s role.

Key words: *new role of NATO, partnership network, multilateral operations, peacekeeping operations*

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The North Atlantic Alliance – NATO was established in 1949 by the Washington Treaty, primarily as a defence alliance with a mission to defend Europe from the Soviet Union assaults. NATO was mostly passive in military terms, considering that, during the Cold War, none of the Alliance Member States invoked Article 5 of the Washington Treaty that provided for collective cooperation and, possibly, military action, in the event any Member State is assaulted. With the fall of Berlin Wall and final breakdown of Warsaw Pact, the question arose whether NATO would have a purpose in future. The Member States have gradually added to the

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role of the Alliance which, besides defending the Member States, now included the operations ranging from rescue missions to peace maintenance, protection and enforcement operations. Here below we shall discuss the aspects that have influenced the change in security threats, definition of the new role of NATO and its legal framework, creation of specific bilateral programmes for the countries bordering with the NATO spheres of interest, and the way in which this new role was practically implemented through different types of multilateral operations. For the purposes of better visibility and legibility, this paper introduced two new classifications. First classification is based on legal grounds for NATO multilateral operations: operations pursuant to Article 5 of the Washington Charter, operations under the UN mandate, and operations upon the call of a partner. Second classification is based on the type of multilateral operations, to the operations pursuant to Article 5, and peacekeeping and rescue operations.

Change in security threats and new role of NATO

With the disappearance of Soviet Union and Warsaw Pact, there also disappeared the security tensions that have been permeating the pores of international politics ever since the end of the World War II. Victory in the Cold War posed in front of the North Atlantic Alliance the question of the reasonableness of its existence. This, however, did not mean that security threats have vanished. Under the umbrella of all-pervasive ideological conflict, there emerged the problems that will become central in the beginning of 1990s - the so-called security problems of non-military nature (low security issues). In the territory of Europe as such, defined by NATO in its establishment act as the area of its special interest¹, there appeared new challenges that threatened to disturb the fragile stability that has established in new democratic countries. The appearance of different nationalist movements pursuing the change of borders or “ethnic purification“ inside them, and growing economic instability, posed the potential security challenges in which NATO found the reason for survival. The basis for future action was found in the Preamble of the Washington Treaty (safeguarding the *democracy, individual freedoms, and rule of law*), and in Articles 2 and 3 thereof where the role of the Alliance was defined as a kind of political and economic forum. The focus of NATO extended to include the political and economic dimen-

¹ Article 10 of the Washington Treaty underlines that NATO is open for membership to all European countries capable of furthering the principles on which it was established (democracy, individual liberties, rule of law)



sion of the security issue by further defining the new concept of functioning through 1991 and 1999 *Strategic Concepts*. It should be noted here that the challenges did not stem from any ideological conflict but rather from the instability faced by the countries of the Central and Eastern Europe caused by political, economic, social, cultural, ethnic, religious, and other problems (Vukadinović, 2007, p.162). In order to respond to the crisis, the USA and the countries of Western Europe accepted NATO as the main instrument for safeguarding the stability and peace in Europe and wider region, which implied unofficial consent to the extension of NATO competences and its subsequent engagement *outside the zone of responsibility* (out of area), i.e. outside the territory of its Member States. The first challenge to emerge was the disintegration of Yugoslavia and the conflict that followed.

Even though terrorism and proliferation of weapons for mass destruction have been included in the list of modern security challenges ever since the 1991 NATO *Strategic Concept*, it was only after the attack on the World Trade Centre in 2001 that they became main objects of interest and engagement of NATO forces. For the first time ever, NATO took action outside its primary sphere of interest, namely outside Europe or North America. Paradoxically, the threat of terrorism at global level led to the first invocation of Article 5 of the Washington Treaty after the attack of the 11th of September 2001 and joint action of all Member States.

Also, through bilateral agreements with the countries, and agreements with counterpart international organisations, NATO has engaged in peacekeeping, humanitarian and rescue missions.

Theoretical definition of the new role of NATO

The new role of the Alliance and its engagement through multilateral operations has been gradually defined through different documents. The progress and the procedure of its defining can be roughly divided into two periods: from the end of the Cold War to the attack on the World Trade Centre on the 11th of September 2001, and from that attack to this date. The documents starting to redefine the role of NATO were *Rome Declaration* and (new) 1991 *NATO Strategic Concept*. The Strategic Concept put in place the theoretical foundations for the new role of NATO forces in Europe as the main factor in maintaining the *stability and balance in Europe, and durable safeguarding of peace*². This approach was

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² 1991 NATO Strategic Concept

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defined by NATO as the *Crises Management* concept which will be discussed here below. In the 1991 *Strategic Concept*, NATO advocates that UN activities should be promoted through a wide-range approach that would include supporting the political initiatives and actions in the event of crisis or conflict. The Alliance thus expressed its intention to, in the case of danger at the borders of its Member States, utilise its facilities so as to prevent the conflict overspilling onto their territory.

For the first time as military alliance, NATO offered its forces for peace supporting action in the Declaration from the meeting of the ministers of foreign ministers that was held in Oslo in June 1992 (*Oslo Declaration*). The representatives of the Alliance have fully supported the Conference on European Security and Cooperation (hereinafter: the CESC) for the actions promoting the maintenance of peace in Europe, by placing the Alliance's resources and expertise at the disposal of this Organisation. More than five months later, at the ministerial meeting in December that same year, NATO made a similar offer to the UN initiatives and actions. In this way, through direct practices of these two international organisations, NATO was for the first time, as a military alliance, beginning to participate in peacekeeping actions.

The 1994 Summit of the NATO Heads of State and Government in Brussels was a new driving force for multilateral operations of this Alliance. The concept of Partnership for Peace was launched as a framework for cooperation at the bilateral level for the European countries other than NATO Members. Moreover, future members of the Partnership for Peace were offered to participate in the peacekeeping, humanitarian, and rescue operations together with NATO forces. With this, the foundations were built for most multilateral operations which will take place under the auspices of NATO in future. It should be mentioned that the **Mediterranean Dialogue** programme was launched that same year as a framework for the establishment of partnership, mostly with non-European and non-NATO countries, which was joined, before 2000, by almost all countries, with the exception of Lebanon, Syria and Libya. Some of them began to participate in NATO multilateral operations through Individual Cooperation Programme (Israel).

The 1999 Strategic Concept, published at the Summit in Washington, once again stressed the need for a broad approach in the international security, repeating all those new challenges faced by the Member States, as mentioned in the preceding Strategic

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Concept. This time, the accent was placed on the actions to promote the peace in the Euro-Atlantic zone, with a remark that every country can decide whether to take part in the action or not (this remark was inserted because of the NATO bombing of FRY, which was taking place at the time).

Two years after, however, NATO considerably shifted its focus. The terrorist attack of the 11th September 2001 drew the Alliance's attention to the problem of global terrorism, and that of the proliferation of weapons for mass destruction. Also, it has become clear that the Alliance's focus on the defence of Euro-Atlantic area can no longer be sustained without global engagement, namely without instigation of NATO actions "out of area", and without expanding the partnership network to include the states outside the territory of the Atlantic Axis. At the summit in Prague in November 2002, these new threats were recognised and, accordingly, a new *action plan* was promoted. The Alliance reaffirmed its already established partnership with the EU with regard to the creation of the European Security and Defence Identity, which will later result in the Berlin Plus agreements and engagement of EU forces in Macedonia, B&H and in Kosovo. Also, the programme of cooperation with the members of the Partnership for Peace was established (Partnership Action Plan against Terrorism) within the global fight against terrorism. The two summits that followed further reaffirmed the existing aspects of cooperation and launched a new partnership initiative. At the Istanbul Summit, the *Istanbul Initiative for Cooperation* was launched as a new programme for cooperation between NATO and the countries of Middle East, modelled after the Mediterranean Dialogue.

Legal framework for NATO multilateral engagements

Since 1990 to this date, legal frameworks for NATO engagement varied in character. As the defence alliance of the countries of North America and Europe, NATO engagements were primarily founded on Article 5 of the Washington Charter, namely joint defence action of all members states in case any of them is attacked. Also, NATO implements multilateral actions within the framework set up by the UN Security Council as an organisation capable to, at a given moment, contribute to the peacekeeping initiatives and actions. And, finally, NATO engagement can ensue at the request for help by a member state or a partner country.

1. Engagement based on Article 5 of the Washington Charter (or the Washington Charter)

Article 5 of the Washington Charter has for more than 40 years implied the assistance of all NATO Member States in the event of open military aggression on any of them. It was in the first place created as a measure to avert any Soviet attacks on the states of Western Europe. However, it was not earlier than 10 years after the end of the Cold War that a Member State first invoked this Article and this was not because the borders were threatened by conventional assault, but because of a terrorist attack. The US Government asked its NATO allies to help in the global war against terrorism at key security sites in the world.

2. Engagement under auspices of the UN:

The signatory states of the Washington Treaty have based their newly-founded alliance on Article 51 and the entire Chapter VIII of the UN Charter concerning the right to self-defence and the right to establish regional security organisations. With this, NATO positioned itself as an alliance that is acting within the framework set by the UN and the Council. As we have seen above, for its first multilateral engagements, NATO first offered its forces to the CESC and the UN, and only after that responded within the boundaries set by these two organisations. This engagement has started with the UN operations in Bosnia in which NATO provided most of military forces, logistics and expertise for resolution of disputes, enforcement and maintenance of peace. NATO engaged in a similar role in Kosovo and Metohia, within the UN mission under the Resolution 1244. The very action of peace enforcement, however, that was implemented through bombing of FR Yugoslavia in 1999 was not formally approved by the UN Security Council, although the Alliance had invoked a number of Resolutions that referred to Kosovo (1160, 1199, and 1203). This gave rise to debates about the obsolescence of the only global organisation and its peacekeeping operations capacity. However, it soon became clear that some NATO Members are still more inclined to respect the authority of the UN, which was obvious when the American “Coalition of the Willing“ attacked Afghanistan and Iraq in 2001 and 2003, respectively. The Alliance continued its engagement under the UN Resolution, namely in



Afghanistan since 2003 (ISAF formations and assistance to the Afghanistan Government), and in the Gulf of Aden, at the request of the UN Secretary-General (2008, 2009-2010).

3. Engagement upon the call of Member States or partner states:

After 2001 NATO has established the practices under which the Alliance takes action upon the call of partner countries or organisations. After the conflict in Macedonia evolved between the armed forces of this country and paramilitary formations of ethnic Albanians, the then Macedonian President (the country is a member of the Partnership for Peace since 1995) called upon NATO to take action so as to prevent the conflict from escalating. This case, and further engagement of the Alliance in Macedonia through three operations in total ("Essential harvest", "Amber Fox", and "Allied Harmony"), created a model for engagement of NATO forces after which several missions have been implemented. The types of missions are different and do not necessarily include peacekeeping missions (which will be discussed below). Other types of missions that were implemented after this model include: operations of providing the Member States' logistics support, or expertise, to partnership countries or partnership organisations, and humanitarian and rescue operations.

Expansion of the partnership network

The participation of partner states is of critical importance for the multilateral operations implemented by NATO. Since first post-Dayton mission in the Balkans, the contingents of partner-states' forces have joined the forces under the auspices of NATO. At the 1994 Summit in Brussels NATO launched a number of regional cooperation programmes that are based on bilateral agreements between NATO and the partner-state. The programmes are drawn up with the aim to establish partnerships with the countries of the region and promote their further stabilisation concurrently with the development through transforming NATO and their engagement beginning with 1990. These programmes vary, however, both with regard to the depth of the partnerships and with regard to their ultimate goal.

Partnership for Peace

Partnership for Peace was the first partnership programme that was launched. Its primary goal was establishment of partnership with the countries belonging to the Euro-Atlantic axis, with the aim of stabilising the region, preventing any new conflicts caused by the challenges listed in the 1991 Strategic Concept, and treading a path for all those states which are potentially interested to become NATO members. As it is stated in the Brussels Declaration (1994), partner states will be able to participate in NATO missions through Partnership for Peace. The forces of the Partnership for Peace members were thus engaged in the first missions in post-Dayton Bosnia and in Kosovo (IFOR, SFOR i KFOR) already; namely, they accounted for over 10% of the total peacekeeping forces³. Partner states have significantly contributed to the global fight against terrorism, through the *Partnership Anti-Terrorism Plan*. When NATO expanded in 1999, 2004, and 2009, its membership was joined by the countries which were previously members of the Partnership for Peace.

Mediterranean Dialogue

In 1994 the North-Atlantic Council launched the Mediterranean Dialogue as a forum between NATO and five Mediterranean countries (further two have joined later). The purpose of this organisation originally was to increase the scope of cooperation and transparency in the relations between NATO and these countries (Janković Eds, 2007, p. 53). This cooperation was practically implemented through the *Working Programme* which envisaged activities in several different areas (crises management included). The Summit in Istanbul launched the *extended* Mediterranean Dialogue with the intention to have this organisation turned into a kind of Mediterranean Partnership for Peace and ensure a much higher level of cooperation than it was previously the case. Since 2006 NATO has implemented *Individual Partnership Programmes* within the Mediterranean Dialogue; these include, inter alia, joint fight against terrorism and active participation in military exercises. To date, such agreements have been signed with Israel, Egypt, and Jordan.

³ Among the NATO partners, beyond a doubt the largest contribution in the peacekeeping operations in the Balkans was given by Russian troops. Taking into account the Russia – NATO Permanent Joint Council, the level of cooperation with Russia is higher than that with other Member States of the Partnership of Peace.



Istanbul Initiative for Cooperation

At the above mentioned Summit in Istanbul, and based on the Mediterranean Dialogue programme, Istanbul Initiative for Cooperation was launched as a framework programme for establishment of partnership with the countries of Middle East. To date, this programme has been joined by Kuwait, Bahrain, Qatar, and the United Arab Emirates. So far the cooperation has been mostly focused on the assistance in education of personnel, even though the same aspects of cooperation as in the Mediterranean Dialogue were offered.⁴

Multilateral NATO operations

In the integral text of the 1999 NATO Strategic Concept, NATO multilateral operations are classified into „operations pursuant to Article 5 of the Washington Charter“, or the operations implying the defence role of NATO, and operations outside that role. For the requirements of this paper, we have classified the actions outside Article 5 of the Washington Charter to two types: peacekeeping operations, and rescue and humanitarian actions. The Chapters below give a short overview of all NATO multilateral operations, since 1991 to this date.

Operations pursuant to Article 5 of the Washington Charter

As it was mentioned above, since NATO was established to this date, only one Member States has invoked Article 5 of the Washington Charter. After the terrorist attack of the 11th of September 2001, the USA called upon their allies to take part in the global fight against terrorism. This call have resulted, among other things, in the multilateral action for controlling suspicious vessels on the Mediterranean Sea by NATO forces with the aim to prevent further terrorist actions (*Active Endeavour* Operation). This control was at first limited to the territory of East Mediterranean, and since 2004 it has covered the entire territory of the Mediterranean Sea. Members of the Partnership for Peace take part in this action (including one Russian cruiser), as well as the forces of some countries of the Mediterranean Dialogue (with the exception of members with the Individual Partnership Programme, this action was joined by Morocco too⁵). The mem-

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⁴ For integral text of the Istanbul Initiative for Cooperation see: <http://www.algerian-embassy.be/otan/intiative%20istanbul.pdf> p. 2

⁵ See <http://www.nato.int/docu/update/2008/06-june/e0602a.html>

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bers of Istanbul Initiative for Cooperation were also invited to take part.

Peacekeeping operations. NATO peacekeeping operations are divided in four types in the official NATO nomenclature: peacekeeping operations, peace enforcement operations, peace making operations, and peace building operations (Manual for NATO, 2009, p.51) NATO missions are further divided according to the places in which they take place

- Operations in Bosnia and Herzegovina: In B&H, NATO forces were engaged in four missions based on which the above division was subsequently made. Based on the conclusion from the 1992 meeting of the ministers of foreign affairs, NATO offered its assistance to the UN Security Council. The first mission of NATO forces, *Deny Flight* (1993-1995), based on the UN Security Council Resolutions 781, 786, and 816, implied the prohibition of flight operations within the airspace of Bosnia. Within this peace keeping action, there occurred first fight engagement of NATO forces when, on 28 February 1994, four airplanes of the Republic of Srpska Army were shot down. The second action, *Deliberate Force*, belonging to the force enforcement actions, was implemented based on the UN SC Resolution 836, and the position of the Republic of Srpska forces were bombarded. The third operation – IFOR (International Force), introduced the peace making concept. It was implemented based on the Dayton Peace Treaty and UN SC Resolution 1031. The goal was to ensure full application of Dayton Treaty in the year that followed its signing. The fourth mission - SFOR (Stabilisation Force) that belonged to the group of peace building operations, took place in the territory of Bosnia and Herzegovina in the period between the expiry of IFOR mandate and 2004, when it was replaced by the EUFOR mission (based on the Berlin Plus Agreement).
- Kosovo and Metohia: First NATO action that was implemented without formal approval of the UN SC (even though NATO invokes the UN SC Resolution 1160, 1199, 1203) was the *Allied Force* operations during which a peace enforcement action was implemented by bombing FR Yugoslavia in the course of 1999. The operation was finished by the signing of Kumanovo Framework Agreement and adoption of the UN SC Resolution 1244. It was based



on these two documents that the second NATO mission was launched in the territory of Kosovo and Metohia – KFOR, which has been implemented since 1999 to present day. This mission falls under the group of peace making and peace building actions.

- The Republic of Macedonia – After the ethnic Albanians' rebellion in 2000, NATO facilitated the dialogue between the government and the National Liberation Army (hereinafter NLA), which was brought to successful fruition by Ohrid Agreement of 13 August 2003. The first of the three missions, *Essential Harvest* implied the collection of armaments from the NLA members. The second NATO operation in the Republic of Macedonia, “Amber fox“, implied the provision of civil observers from the EU and OESCE to monitor implementation of the Ohrid Agreement. The third NATO operation, *Allied Harmony* began in 2002 and its goal was to continue the *Amber Fox* operations and to ensure overall security in the Republic.
- Afghanistan: ISAF is the key part of the international mission in Afghanistan that provides assistance to Afghanistan authorities in the security area; it was set up based on the UN SC Resolutions 1386, 1413, 1444, 1510, 1563, 1623, 1707, 1776, and 1833. In addition to playing its role in peace making and building, ISAF promotes the strengthening of Afghanistan national army and police and provides support for the reconstruction and revitalisations of the regions devastated by war. NATO assumed leadership over this mission in August 2003, to improve operational organisation, and at this moment it is a key engagement of NATO forces globally. Before assuming full responsibility, NATO has assisted the Netherlands and Germany missions within ISAF.
- Iraq: Direct engagement to assist the Iraqi Government started in 2004 with *NATO Training Mission in Iraq* (NTM-I) by which NATO supports the Iraqi security forces training. This mission is based on UN SC Resolution 1546, and on the Agreement between NATO and the Iraqi Government of 26 July 2009⁶.
- Sudan and Somalia: At the request of African Union, in June 2005 NATO began to support its missions: first in Sudan (AMIS, and, from 2008, UNAMID), and later in Somalia (AMISOM). The support consisted of offering air traffic

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⁶ Its first engagement in Iraq, NATO started by supporting the military mission of Poland, within this country's peacekeeping forces and pursuant to the NATO Council's Decision of May 2003, based on the models previously established by the Netherlands and Germany within ISAF.

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logistics, providing the experts in particular fields, and supporting the increase of operational readiness of African Stabilisation Forces (the African Union forces in charge of peacekeeping operations) is to start soon.

- **Gulf of Aden:** At the request of UN Secretary General, and based on the UN SC Resolutions 1814, 1816, and 1838, in the end of 2008 NATO proffered temporary support to the World Food Programme, so as to prevent pirate attacks on cargo ships heading for Somalia. Another two missions of the same content were launched in the course of 2009: the first took place in the period March-August, and the second that started in August is still ongoing.

Rescue and humanitarian actions

NATO has several times engaged in humanitarian and rescue actions. First action of this type was AFOR (Albania Force), NATO mission in Albania in 1999, with the goal to distribute humanitarian aid to the Albanian refugees from Kosovo. The largest NATO action of this type was implemented in Pakistan, in October 2006. After the disastrous earthquake in Pakistan on 8 October 2005, NATO provided the logistics, medical help and food aid, at the request of this country addressed to the NATO Council. The air bridge was established for provision of aid and the units in the field (engineers and medical personnel) directly cooperated with Pakistan services and military.

Conclusion

In the past twenty years, NATO has significantly grown, from a classic defence alliance to a multidimensional structure aspiring to be a political and economic channel for communication between the two sides of the Atlantic Ocean. After the breakdown of the Warsaw Pact, the need for the Alliance has been reaffirmed through different kinds of multilateral operations that have outgrown their pure military character. The strength and the capacity of Atlantic allies have put in place new standards that NATO will probably officially implement through its new strategic concept expected after 2010, which will form a basis for further development of the competencies of both NATO and the partner countries.



SOURCES:

UN Security Council Resolutions: 781, 786, 816, 836, 1031, 1088, 1386, 1413, 1444, 1510, 1563, 1623, 1707, 1776, 1833, 1546, 1814, 1816, and 1838

Dayton Peace Treaty

Kumanovo Military-Technical Agreement

Washington Treaty Establishing the North Atlantic Alliance – NATO

Ohrid Framework Agreement

1991 NATO Strategic Concept

1999 NATO Strategic Concept

1991 NATO Rome Declaration

Oslo Declaration – 1992 Meeting of Ministers of Foreign Affairs

1994 NATO Brussels Declaration

1999 NATO Washington Declaration

2002 NATO Prague Declaration

2004 NATO Istanbul Declaration

Partnership for Peace – 1994 Invitation Document

Partnership for Peace – 1994 Framework Document

1994 Partnership Anti-Terrorism Action Plan

2004 Istanbul Initiative for Cooperation

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European Union and Peace Support Operations

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Abstract

Having institutionalized security and defence policies, the EU used different approach to impose itself in the international relations as a leader of often complex peace support operations. The EU's unique model of organization and management has potential advantages, but also the limitations to its further involvement. At the same time, it is active in the fast changing global context. That is why it is "condemned" to use the "trial and error" method to win the new domains of intervention, thus continuing with the policy defined by Javier Solana as "learning by doing". Still, the comparative advantage of the EU method is that it is more acceptable for the parties in conflict because it is based on diplomatic negotiations, the military solution is not in the primary focus and it has a wide inventory of tools necessary for post-conflict stabilization and reconstruction.

Key words: European Union (EU), United Nations (UN), peace support operations, stabilization, institution building, rule of law, civilian instruments, military instruments

* * *

As an unprecedented political project, the economic and political integration that took place within the European Communities brought peace and stability to the European continent. The method of management within the European Union (EU) has become the "model" that was "exported" to the countries of South, Central and East Europe in the successive waves of enlargement, in the process that Mark Leonard and Heather Grabbe called "transformative".



Through its foreign policy which manifested through different programmes of support, development and cooperation, the EU has been trying to project peace and stability outside its borders. Peace support operations where the EU was a leader did not face objections since its approach to international relations was entirely new. By defining the scope of its foreign and security policy, the EU implicitly indicated what it does not include. Therefore the “EU does not compete in military race with other states, the EU does not build military capacities independently of its member states, the EU is not trying to master the weapons of mass destruction, the EU has no territorial aspirations, the EU has no intention to engage in military intervention which would lead to the change of the regime and the EU is committed to close cooperation with the United Nations (UN)” (Ortega 2007, p. 93).

Context of the EU peace support operations

In the last decade the Common Security and Defence Policy of the EU (EU CSDP, named so in the Lisbon Treaty) has been developed with the intention to counter the threats to the European security at their source, before they metastasize at the European soil. These “new threats” to the European security have been listed in the European Security Strategy (ESS), a kind of a “wish list” of the EU foreign policy, and they include terrorism, proliferation of the weapons of mass destruction, regional conflicts, failed states and organized crime. “The first line of defence” from these threats will be abroad (European Security Strategy 2003, p. 7).

According to the Article 17.2 of the EU Treaty, crisis management in the practice of this organization refers to “the humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.” These tasks (also known as the “Petersberg tasks”) are by their nature both military and civilian. However, most operations conducted under the EU flag during the past decade were civilian in their character. The reason for this is in the fact that the member states reached consensus that the comparative advantage of the EU is exactly in such crisis management and stabilization operations, and that within the comprehensive approach its ability to combine both military and civilian instruments is extremely important.

The request for the EU to “make” or “build” peace is still one of the major, if not the major challenge to its ability to successful-

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ly implement foreign policy. The primary reason for this is the change in the nature of the conflict after the Cold War. In modern post-Cold War conflicts the civilians are more and more often victims, being endangered by interruption in all kinds of services guaranteed by the state if it were functioning. Diseases and malnutrition among children in some conflict areas are more frequent causes of death than armed operations (Human Security Report 2010, p. 9-10). The wars are no longer waged between the large conventional armies, they are rather the “low intensity rebellions” of lightly armed groups whose goal is to come into power, and the motive is primarily religious and not ideological. Despite widespread loss of the civilians, modern armed conflicts are – however controversial it may sound – acceptable to the extent to which they are localized.

The EU first faced these changes before it had mastered the required peace building instruments. During the wars at the territory of former Yugoslavia, but also during the ten years of post-conflict stabilization, the EU leaders were constantly facing the consequences of the conflict, which endangered the European security. Inability to manage in such situation, which was induced by the lack of experience, influenced the development of the civilian and military crisis management capacities, all under the cloak of the CSDP.

This fact was recognized in the ESS, where the EU was called upon to use the “full spectrum of instruments for crisis management and conflict prevention at its disposal, including diplomatic, military, civilian and development activities”(European Security Strategy, p. 11). Acknowledging that the conflict prevention and post-conflict stabilization were part of the crisis management to the same extent as direct intervention, the Lisbon Treaty follows the ESS (Whitney 2008, p. 11). In one of the first reports on this issue, the civilian crisis management in the EU was defined as the “intervention by non-military personnel in a crisis that may be violent or non-violent, with the intention of preventing a further escalation of the crisis and facilitating its resolution (Lindborg 2002, p. 4). It differs from "conflict prevention", which refers to activities that take place before the hostilities have occurred. In the EU practice the common understanding of the “civilian crisis management” refers to use of any instrument which is not military in its character.

However, the way in which the EU gets involved in the crisis management operations is very different from the one followed by



the other global or regional organizations active in this area – the UN, the OSCE and the others. Unlike them, the EU has its own foreign policy, which is reflected in the process of crisis management, given that it needs to take care not only of its own political goals, but also of the interests and priorities of the member states (Nowak 2006, p. 10). At the same time, the EU is, as a rule, *one of the actors* who would be interested or challenged to intervene in a crisis situation. The operation will be undertaken where the other available tools (e.g. diplomatic mediation or trade preferences) do not bring the desired results. Finally, the resources at the EU's disposal, civilian or military, are limited after all. In that respect there is a need to develop the system which would enable the appropriate capacities, human or material, to be available when they are needed.

Characteristics and types of the EU peace support operations

According to Pedro Serrano, the operation initiated by the EU within the CSDP (until the Lisbon Treaty comes into force), was defined by the following factors:

1. The EU operations were undertaken primarily in the context of conflict prevention and post-conflict stabilization, but over the time they were more often initiated where the conflict had not ended yet and it was expected (or still is) from the EU operation to contribute to this.
2. The Council of the EU had the leading role in management of the EU operation. In the chain of command, the Special Representatives (SR) and the High Representative (HR) were directly accountable to the Council.
3. Gradually, the EU operations stopped being advisory by their mandates. In 2006 Serrano shared his assumption that the future missions would have the executive mandate, but only in the “extreme cases” (Nowak 2006, p. 41). The EULEX mission is nowadays an example of the mission with intrusive and executive mandate.

Serrano classified the EU operations as the operations of stabilization, replacement, support to reforms, simple monitoring and support to other actors.

The operations of *stabilization* correspond with the classic concept of peacekeeping. The goal is to effectively separate the parties at war after the peace had been enforced in the conflict

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zone. At the same time the forces under the EU flag can manage the activities of demobilization and disarmament. The civilian component is also included (although not from the very beginning). An example of such an operation is Althea in Bosnia and Herzegovina.

The operations of *replacement* are undertaken where, due to extraordinary circumstances, it is necessary that the leader of the operation accepts the executive mandate from the local authorities. The mandate includes management of the force apparatus, but also the monitoring of the institutions of vital importance for establishment of the rule of law, such as judiciary, prosecution or penal system.

Reform support operations are the most complex ones in their character. The goal is to contribute and to encourage the reform of a certain segment of the state administration or to build that segment, through monitoring and coaching. In most cases this will occur in the security sector, i.e. in those segments of administration which are of vital importance for establishment of the rule of law. These, as a rule, long-term operations are managed by the Council, the only EU institution credible enough to put political pressure necessary to secure resources for reform. Police missions in the Western Balkans (EUPM, Proxima), and the missions of institution building to promote the rule of law (EUJUST Themis, EUJUST Lex, EULEX Kosovo) are examples of reform support operations.

The operations of *simple monitoring* are in practice reduced to monitoring of the implementation of the agreement (most often peace agreement). The assumption is that the EU, as an actor which enjoys confidence of the parties in conflict, is invited to take this role. An example of a successful monitoring operation is the operation of monitoring of implementation of the provisions of peace agreement that ended the conflict in the Aceh peninsula in Indonesia.

Finally, since the SCDP was constituted in 1999, the EU has been committed to put its capacities to other actors at disposal during a crisis management, if that is in the best interest of the member states. *Support* can be in the form of a simultaneous operation conducted by the EU (Artemis), or it can be in the form of integration of the EU component in the operation led by another actor. The operation of support to the African Union in Darfur (EU AMIS) is an example of such an involvement.



Practical advantages of the EU involvement

The EU's involvement is acceptable in some parts of the world for historic and cultural reasons, but also based on the political calculations. Political leaders in the Middle East and in Sub-Saharan Africa used to call the EU in the past to separate the parties at war (Bentegat 2008, p. 74-75). However, in the peace support operations the EU was in this way reduced to the areas without strategic importance.

As already mentioned, the next advantage of the EU in relation to other actors – leaders of the operations, lies in its approach to crisis management, which is developed within the CSDP. According to Jolyon Howorth the “prioritization of crisis management over military involvement is in line with the emerging European security culture”. This author considers that in the future “all the CSDP missions would combine the military and civilian components” (Pallaver 2009, p. 2). Taking into consideration limited defence budgets of most member states and in order to build its forces that can be deployed without the US support, the EU will have to experiment with new ways of implementation of military tasks. In that respect the EU member states must combine human and material resources to a greater extent than the NATO. Because the capacities at their disposal are not at that level, the political leaders of the EU have two options. The first one is to accept the risks for their soldiers, which is unlikely. The second option is to develop specific EU approach to operations.

Practical implementation of the EU involvement

The limitations in the EU involvement as the leader of a peace support operation are significant. They are concerned with the issues of financing, precision of the mandate, available resources, coordination issues and finally planning capacities.

In order to find a sustainable solution for a portion of the operations costs, the mechanism Athena was established in 2004, which covered specific costs, such as accommodation of the headquarters. This mechanism which, in principle, covers other costs, such as transport and accommodation for the troops, requires unanimous decision by the EU Ministers in each case, which does not happen in practice. In addition, the

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mechanism covers only 10% of the operations costs (Whitney 2008, p. 46).

The practice has shown that the operations initiated by the EU with clearly limited objectives and deadlines for their completion, achieved the intended goal. On the other hand, the mission and the tasks of some operations were so limited that their success was questioned from the very beginning (Whitney 2008, p. 41). The parliaments of the member states partly contributed to this situation, by imposing the limitations in planning and deployment of the national forces. The EU forces are often not where they are needed, but only where they are "allowed to be" (Haine 2006, p. 106).

The third limitation for the EU's military involvement lies in the fact that, when compared with the total number of the armed forces of the member states, the human capacities at the EU's disposal are minimal. For example, less than 3% of the active military forces of the EU member states are engaged in some of the current peace support operations. There are objective reasons for this. It is not simple to adopt the new doctrine of the military involvement. It implies adoption of new and different missions of the armed forces, which would result in changes in training, transfer to the new systems of armament after the old ones have been abandoned, etc. On top of this there are two opposing requests that the CSDP participating states are facing: the first is to rationalize the expenses in the defence systems and the second – to reach the level of interoperability with the US forces, which are technologically superior.

The lack of appropriate material capacities is the fourth limitation in the EU involvement. The CSDP lacks the ability of strategic and tactical air transport of troops and materials. The programme of development of the transport airplane for long distances and of high carriage capacity "Airbus A400M", aiming to produce 170 planes that would participate in the inventories of France, Italy, the UK, Spain, Germany, Belgium and Luxembourg, is in crisis. Lack of finances threatens to end the project. Desired interoperability is hindered because of the differences in the weapons systems adopted by some member states. This is why the European Defence Agency, in cooperation with the EU Military Committee, started developing the so called "Capability Development Plan" CDP).



Development of crisis management capacities

These are the exact reasons for which the “Civilian Headline Goal” for 2010 envisages development of a “systematic approach to human resources, where it is possible to set the schedule which would guarantee the optimal success in the domain of civilian crisis management” (EU Fact sheet, p. 3). The position that the CSDP would develop through improvement of its civilian component is further supported by the fact that the “Civilian Planning Conduct Capability (CPCC)” was established in Brussels in August 2007. As part of the Secretariat of the Council of the EU, this department is in charge of eight CSDP missions which are by their composition and mandate police missions, border services support missions, missions promoting establishment of the rule of law and security sector reform support missions. These are the EUPM (Bosnia and Herzegovina), EULEX (Kosovo), EUPOL COPPS and EUBAM Rafah (the mission in Rafa has not been functioning since Hamas came into power in the Gaza Strip), EUJUST LEX (support to Iraqi judiciary), as well as EUPOL in Afghanistan and EUPOL in Congo (police missions), and finally the mission of security sector reform support deployed in Guinea-Bissau in June 2008 (Council of the European Union 2008, p. 24).

At the operational level this means that the commander of the military component of the mission, or better said of the mission which is mostly military in its character, will be exchanging the information with the heads of civilian missions, including the representatives of the European Commission (EC). As it has been the case so far, the coordination will be under the responsibility of the Special Representative of the High Representative for Foreign and Security Policy, in cooperation with the Head of the EC Delegation. Such an organizational structure has been further simplified by ratification of the Lisbon Treaty. The fact that the High Representative for Foreign and Security Policy has become the First Vice President of the EC reduces the distance in practice between the material support provided by the EC and crisis management, in which the EC is involved to a lesser degree.

There are several obstacles on this road. The first one refers to coordination. It is a common case that different institutions manage different EU activities in a given state. If there is an ongoing CSDP operation and if there is a need for continuous communication (and there is always a need) between the commanding officers, decision makers in deploying country and the EU body, the coor-

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dination problem becomes obvious. At the places such as Afghanistan the success of the mission depends on cooperation with other actors – the UN and the NATO.

The second problem, which has been constantly highlighted since 1990, is not in the number of operations – the increase in number has never been questioned – but in their size, intensity and robustness. The EU is capable to participate in two to three military operations in parallel with several civilian operations, at any given moment.

The third problem is in the limited planning and implementation capacities. Unlike the NATO, which employs more than 3,000 officers in these positions, the EU relies on the member states (and on the capacities of the NATO itself, in line with the “Berlin Plus” agreements). Combined nature of the operations will force the EU to dedicate itself fully to this problem (Keohane 2008, p. 2). In connection with this is the issue of command, which is divided and not unified. The EU has its separate Operational Headquarters (OHQ) in Brussels for the military operations and other, recently established department for civilian operations – the Civilian Planning and Conduct Capability, which establishes the link with the military capacities through its Civ-Mil Cell. This is totally opposite of the idea of “integrated approach”.

On the other hand, the Ministers of Defence adopted the “Civilian Headline Goal” for 2010, which calls on the member states to establish the following by 2010:

- the Civ-Mil Cell within the Operational Headquarters of the EU (accomplished),
- European Defence Agency (accomplished in July 2004),
- Common programme for coordination of strategic transport capacity development (the process started in 2004, but the air carrier will not be in use before 2013),
- European air transport command (process started in 2004),
- Entirely new “combat groups” (proclaimed operational on 1 January 2007),
- Launch of the aircraft carrier with the accompanying escadrille of fighter aircraft (not accomplished in 2008, as originally planned),
- Network that would include all the EU telecommunication equipment and resources (land-, air- and space-based),



- Criteria that the member states must reach in their ability to train and deploy forces. This process of “reviewing, evaluating and assessing” the capacities is ongoing (European Union 2004, p. 6-8).

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The reach of the EU involvement

Since 1947 the capacities of the EU have never been so “stretched” as they are now. Although the European participation in global peacekeeping efforts is significant and in spite of improved quality of relations between the EU and the UN, it is yet to be seen whether this would turn into concrete benefit in practice. In addition to this, the experts in policing, judiciary and institution building are in deficit in the member states, and their training and deployment are costly, especially when it comes to the operations under the auspices of the CSDP.

The example of a timely involvement of the EU is the reaction to the Israeli attack on Lebanon in summer 2006. After 33 days of escalation, the war gave way to peace, completely unexpectedly. Such a development was facilitated by the fact that Israel could not have destroyed Hezbollah by conventional methods, but also by the international condemnation of the conflict in which many of the victims were the civilians. However, the cease of hostilities was not sufficient. The UN Security Council Resolution 1707 was implemented due to understanding of the key actors – Israel, Lebanon, the USA and the EU and its member states. The EU member states successfully responded to the request for their robust involvement (Ortega 2007, p. 59-60). The same can be said for the “bridging” operation in Chad and the Central African Republic (EUFOR Chad-Central African Republic), which ended in March 2009.

However, in civilian crisis management the expectations from the EU are far bigger. Between 1999 and 2004 the EU deployed civilian experts in 13 states which were threatened by collapse of institutions (or where they had already collapsed). Even if this number seems impressive, the fact is that the average number of deployed experts did not exceed 80, and also that the operation did not last longer than one year. The critical component of these operations is in the EU policing capacities. While in theory the member states can, at any given

moment, put at the EU's disposal just over 6,000 police officers, there are only 1,800 of them "in the field" (Chivvis 2010, p. 2).

These capacities are missed where they are most needed – in Afghanistan. The primary task of the EUPOL mission is the reform of the Afghan Ministry of Interior and improvement of coordination among the international actors. Pressed with the problems in equipment procurement, people deployment and frequent changes at the position of the Head of Mission, the EUPOL will remain far behind other actors involved in development of policing, despite its 400 envisaged officers (Islam and Gross 2009, p. 3).

Conclusion

Leadership is the key, and this is exactly what the EU misses at the moment. When the Saint-Malo Declaration was announced, the interests of the Labour Party in the UK matched the ambitions of France. Nowadays, the aspirations of their political elites go in different directions. Whereas the UK insists on special relations with the USA, France advocates multi-polarity and it is not shy of its global ambitions. When awareness that the challenges, risks and threats to the European security are inseparable prevails in strategic, military and security culture of the European continent, the CSDP and its peace support operations will gain in significance. Otherwise they would remain just a civilian dimension of support to the NATO crisis management.

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Analysis of the arguments for and against the war in Iraq in 2003 in light of just war principles

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Abstract

International public opinion, academic community and political elite, have divided, after the beginning of U.S. led multinational forces' invasion on Iraq, between the advocates of validity and necessity of war, and the opponents of the ongoing military intervention in Iraq. Olga Mitrović's paper makes a contribution to the debate within the academic community on the rights of the USA to preventive war and intervention in Iraq. The author has compared the pro-war arguments given by the neoconservative movement, which has had a major influence on the administration of then-president George W. Bush, to the premises of just war theorists, with the intention to clearly determine the similarities and differences of these two approaches and to explore whether the military intervention in Iraq can be justified by the just war theory.

Key words: *War in Iraq, neo-conservative ideology, just war theory, preventive war*

* * *

The war in Iraq has stirred international controversy and upheaval around the world, aggravating army of opponents among public, international community and human rights organizations, all fervently arguing how the US had no valid reason for invading Iraq. Debates on preventive/preemptive war, right of toppling dictatorship regimes and whether US


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should have unilateral power to deal with “evildoers” have significantly marked the past six years.

This essay will examine *jus ad bellum* principles for the ongoing neo-con war, as war in Iraq is popularly called (due to the fact, it reflects the practical outcome of neo-con credos: unilateralism, preventive strike, spreading democracy and belief that US power should be used for moral purposes (Muravchik, 2005.)). This will be conducted by juxtaposing neo-conservative perspective and their arguments (seeing how they were the major advocates of war) with those of just war theorists, mostly Vitoria and Suarez. The reason why their arguments were selected from plethora of just war theorists is because of their elaborate and yet nuanced approach that can sometime lead to ambiguous conclusions and produce borderline examples for justification of war. The two *jus ad bellum* criteria that will be tested are: the notion of legitimate authority and the notion of regime change and spreading democracy as the just cause on war. In concluding remarks, an overall assessment of the just war theory on one hand, and neo-conservative ideology on the other hand will be presented, in order to determine their key differences and see how they correlate. The reason why these two particular criteria were selected for this essay is explained in the following paragraphs.

One of the principal objections to war in Iraq was the lack of Security Council (SC) approval, implying that the war was conducted without the legitimate authority. While this does make war illegal according to the UN Charter, it still does not necessarily make it illegitimate, particularly from the neo-con point of view, and for that reason, it requires an in-depth analysis. Seeing how this particular notion is not always possible to examine using the 16th century perspective, the essay will further offer its modern interpretation

As for the next criterion, the question whether the US had a just cause to invade Iraq is multifaceted, as it remains problematic what the real *causis belli* was. The administration presented several reasons for invasion, thus making this case harder to dissect and analyze on all grounds... As Walzer cynically but quite rightly points out “The second Bush administration gave a variety of reasons for its decision to go to war: another day, another reason” (Walzer, 2004, p. 12). Rationales behind the invasion included self-defense and security reasons on one

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hand, and America's moral duty to overthrow an evil dictator and liberate Iraqi people on the other hand (essentially a neo-con ideology in a nutshell- combination of raw force and morality (Boot, 2004. and other authors¹). The Bush administration clearly lost their principal justifications for the war when no WMD's were found on the ground and no significant link of Iraq and international terrorism was discovered. For that reason the hypothetical link - had WMD's have been found, would US led preventive war been justified, will not be further examined.

Nevertheless, while neo-con justification failed in the security realm, we still have to evaluate its rightness in the realm of regime change and spreading democracy. And while many authors dismiss these notions as they were post factum offered (once the war already begun), due to the fact they make a central part of neo-con ideology, they will be further analyzed. Since these two phenomena are intertwined (ei, removal of regime was a prerequisite for spreading democracy) they will be explored together as the single criterion for the just cause.

The question of legitimate authority

When the just war theory was conceptualized and largely developed, the notion of international law or any supreme power regulating relations between states was non existent. Writing in times of sovereign states whose decisions could not be constrained, Suarez and Vitoria granted the power of waging wars to a "prince of a commonwealth that is superior in temporal affairs..."²

Thus, technically, looking it from their perspective, the invasion was carried out by the right authority, sovereign leader of the commonwealth – president of the United States.

Nevertheless, if we were to compare some 17th century limitations with today's circumstances, Suarez's writings could be interpreted as opposed to war in Iraq, based on two grounds: lack of superior authorization within commonwealth³, and the lack of consent of pope.

Though neo-cons would hardly agree that president of the world's superpower could be inferior to anyone, facts are the following. All nations have agreed to limit their use of force

¹ Fukyama, former neo-conservative enumerates American exceptionalism, belief that US power can be used for moral purposes and reasonable skepticism towards international organizations as the original neo-conservative values. Bush administration hijacked and distorted these values, and now neo-conservatism became associated with preemption, regime change, unilateralism and US as a benevolent hegemon. (Fukyama,2005)

² Suarez is clear on this point "... in order that diverse commonwealths may dwell in peace, there must exist some power for punishing injuries inflicted by one upon another. Such a power is not to be found in any superior, for we assume that these commonwealths have no commonly acknowledged superior..."

(Suarez, Disputation XIII, Reichberg & Syse, 2006, p. 349)

³ "An inferior prince or an incomplete commonwealth or whosoever in temporal affairs is under a superior, cannot justly declare war without the authorization of that superior..." (Suarez, Disputation XIII, Reichberg & Syse, 2006, p.344)



within the UN Charter. US, being the signatory and P5 member in SC has not only accepted to obey the rules of use of force, but also vouched to maintain international peace and stability. What was once incomplete commonwealth that could not wage an offensive war on its own may now be considered, in light of international law, as any state member of the UN that adheres to its rules. If we rule out this approach, Suarez has another – lack of religious consent.⁴ In today's secular world order, notions of Christian kings and pope, as a higher authority, could easily be exchanged for those of sovereign countries and UN.

However, since these comparisons might be considered as overstretching the argument, the question of legitimate authority will further be analyzed from the modern perspective.

As already mentioned, in a post II world war order the principal authority that authorizes the use of force is Security Council. The UN Charter clearly states it is allowed only in case of self-defense (Article 51) and collective action (Under Chapter VII). Since the overstretched argument on defending US from Iraq's WMD or terrorist attacks failed (Dolan 2005, Karuobi 2004), Iraq war can hardly be seen as a textbook example of US self-defense. US subsequently missed its other chance to make the war legal – they did not get the SC authorization. Thus making it decidedly illegal according to international norms.⁵ Critics of war point to this as a clear example that there was no legitimate authority, thus making Iraq case fail in light of just war theory (Dolan 2005, Karoubi 2004).

Neo-conservatives, on the other hand, are proponents of unilateral approach, since they do not rely on power of international organizations ((Krauthammer 2004, Kagan 2004, Kydd, 2006). They refuse to see UN endorsement as the sine qua non of legitimacy. Instead, they point to the structure of Security Council as questionably legitimate itself. Krauthammer's uncompromising statement "By what possible moral calculus does an American intervention to liberate 25 million people forfeit moral legitimacy because it lacks the blessing of the butchers of Tiananmen Square or the cynics of the Quai d'Orsay?" (as cited in Fukuyama, 2004, p. 61) does hold some weight, if we take into account how often does the veto power serve to its permanent members to promote their national interests rather than protect universal values and inter-

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⁴ "In the case of Christian kings, an approval of Pope is needed. And though supreme princes are not bound to secure any authorization from the pope, they may enforce their own right as long as they are not forbidden to do so. Nevertheless, they should take care lest themselves be a cause of the fact that pope dares not intervene, for in that case they will not be free from fault". (Suarez, Disputation XIII, Reichberg & Syse, 2006, p. 346)

⁵ Though UN never officially said so. Dan Smith argues in case of Kosovo, what could be also applied to Iraq "The consequent silence did not make the military action legal but did mean that there was no authoritative body able to declare it illegal." (Smith, 2002, p.455)

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national law. Furthermore, examples show interventions that lacked SC approval, and yet were endorsed by the international community. On that point, Kagan accuses some critics of war of moral hypocrisy, arguing that Kosovo and Iraq are not that different, they just chose to overlook lack of legitimacy in case of Kosovo. (Kagan,2004).

If a neo-con premise is accepted - that Security Council's approval is not needed for legitimizing actions, since SC itself can hardly be regarded as the ultimate source of legitimacy, how else can legitimate authority be determined? Just war theory from 16th century does not give a proper answer so we have to move forward and examine other angles in order to determine the overall legitimacy of the war.

Looking at just war theory in more general terms, Turner Johnson frames it as a "theory of moral possibility to employ force in the protection and preservation of values" (as cited in Dolan, 2005, p. 206). Though we are now stepping away from official legitimate authority concept, as presented by Aquinas and others, it seems that in modern times shared values and consensus constitute valid ground for arguing that something is legitimate. By comparing cases of Kosovo and Iraq, the shared values argument goes bad for the neo-cons. True, there was no SC approval, yet the NATO led invasion, endorsed by Western powers (that share the same values) can hardly be compared with polarizing views and harsh criticism that Iraq war provoked in the Western world. How was it just to go to war by American or British moral standards, and not just by French and German? While counterargument can always be that France, Germany and other countries did not support the invasion due to their narrow national interests, not because of their moral stance, the same can be said for Coalition of the willing. It would be hard to prove that Poland, Colombia or Estonia went in Iraq because of their belief they were taking part in a just war. Rather, the motive of aligning themselves with US supremacy and following Bush's "you are either with us or against us" is what influenced their decision to send troops into Iraq. On the overall ground of moral approval of national/international public opinion, war also lost its legitimacy.

Yet neo-conservatives do not care about international support (Krauthammer 2004, Kagan 2004, Kydd, 2006), and



claim that the notion of legitimacy is no longer valid in light of new threats, and that it requires redefinition. Viewed by neo-con lenses, in spite of other subjects opposing the war, if, at the end of the day war did create a more stable and democratic Iraq, a value in itself, it should be deemed as legitimate (Kagan, 2004; Fukuyama 2004, p. 64).

Now we are clearly stepping away from legitimate authority criterion *in strict sense*, and blurring it with other criteria – something that Turner calls likelihood of success (Turner Johnson, as cited in Dolan, 2005, p. 23), or what Dolan's sees as *jus post bellum*. (Dolan, 2005). But to fairly analyze neo-con point, let us follow it through. In this particular point, legitimacy argument fails by its own creator's test – raging war in Iraq, daily bombings and mass casualties demonstrate that it is less secure now than it use to be.

Although the last test of legitimacy does not correspond with what just war theorists presumed under legitimate authority, it is still safe to say that war in Iraq did not fulfill this criterion. For not only there was no legal ground, no shared values and consensus, but the way neo-cons advocated the war (sheer unilateralism, dismissal of other points of view) highly contrasts moderate and cautious approach that just war thinkers had in mind when contemplating about going to war.⁶

Regime change and spreading democracy – just cause?

This part will focus on the regime change and spreading democracy in light of just war theory – whether overthrowing Saddam Hussein constitutes just cause.

As previously mentioned, many critics of war dismiss this question, since it was introduced post factum when invasion already occurred and all the other arguments failed. (Dolan, Karoubi, Roth). Nevertheless, spreading democracy did constitute a central part of neo-conservative thought⁷. For many authors, the corner stone of neo-con ideology is the moral right of US to intervene and fight against evildoers (Boot, Kristol, Kagan...)

For that purpose, the rationale behind war in Iraq will be perceived as: Saddam Hussein was a brutal tyrant whose oppressive regime committed serious atrocities against its own

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⁶ Just war theorists insist that this decision should be thought through. "That the prince thinks he is acting justly, but they might be invincible error or under the influence of some passion (Vitoria, *De iure belli*, as cited in Reicherg & Syse, 2006, p. 318). There are those that claim that neo-cons were obsessed with getting rid of Saddam Hussein for the past twenty years

⁷ "A specter is haunting American neo-conservatism, the specter of promoting democracy" (Ferguson as cited in Piki Ish-Shalom, 2007, p. 534)

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⁸ On question : Whether one may depose the enemy's princes and set up new ones (question 3, article 8), Vitoria argues that: "although the harm done by the enemy may be a sufficient cause of war, it will not always be sufficient to justify the extermination of the enemy's kingdom and deposition of its legitimate native princes; this would be altogether too savage and inhumane". Still he argues, there are times, when this might be a legitimate reason for taking over the government. Why? "Because of the number or atrocity of the injuries and harm done by the enemy , and especially when security and peace cannot otherwise be ensured, when failure to do so would cause a dangerous threat to the commonwealth". Also : if it is determined that barbarians are unsuited to administering a commonwealth both legitimate and ordered in human and civil terms...than prince might take over their administration and set up urban officers and governors on their behalf or even give them new masters, so long as this could be proved to be in their interest" (Vitoria, *De Iurre Belli, Reichberg & Syse* p. 307 and 331)

⁹ As quoted in Piki Ish-Shalom, 2007, p. 534 . Krauthammer further reaffirms this presumption: Regime change may seem like a radical policy but it is actually the best way to prevent a nuclear crisis that could lead to war. Endless negotiating with these governments—the preferred strategy of self-described pragmatists and moderates—is likely to bring about the very crisis it is meant to avert. (Krauthammer 2004, p.22),

¹⁰ Neo-cons believe the United States should use force when necessary to champion its ideals as well as its interests, not only out of sheer humanitarianism but also because the spread of liberal democracy improves U.S. security, while crimes against humanity inevitably make the world a more dangerous place. (Boot,2004)

¹¹ The argumentation behind regime changes relies on reasons for humanitarian intervention, which can only be justified in cases of ongoing, or imminant mass slaughter. Since it case in Iraq it was neither, there was no rationale for intervention. Furthermore, the discussion on Iraq in Security Council targeted only WMD, not Saddam's crimes. (Roth, 2009, Dolan 2006)

¹² "Offensive war seeks redress for an injustice that has already been committed and is now past... Offensive war needed in order to repel injuries and hold enemies in check ... If the injustice already occurred (facta iam sit) and satisfaction is sought through war, war is offensive (Bellum agresivum)... (Suarez, Disputation XIII, *De bello, Reichberg & Syse*, pp. 340-343)

people, and as such constitutes a great threat to global peace and stability and therefore should be removed from power. Neo-conservative stand on this, embedded in National Security Strategy of 2002, is that "America has the moral duty to rid world of evil."

Walzer characterizes regime change as *a significant expansion of the doctrine of jus ad bellum*. Indeed, taking into account that principle reasons for just cause are responding to aggression or punishing injustice (Augustine, Aquinas) it does sound like a serious overstepping of jus ad bellum rules. For a basic human intervention does not cover neo-con overall cause. But what do just war theorists say about regime change?

Vitoria presents a conflicting view. Though in principle against deposing enemy's rulers, he sees times when it might be legitimate, and that is "when security and peace cannot be otherwise insured, and when the failure to do so would cause a dangerous threat to the commonwealth"⁸. (It has to be noted that Vitoria discusses this under jus in bello rules, not as just cause criterion).

In this particular point, neo-con justification for war comes close to just war tradition. Namely, their main argument is "The spread of democracy in the Muslim Middle East remains the only cure for the sacred terror of 9/11." (Reuel, 2004). Krauthammer links democratization peace theory with global security, concluding that by spreading democracy, we are spreading peace zones since democracies do not go to war with each other"⁹. Other neo-cons, express similar viewpoints.¹⁰ So far, the similarities seem appropriate: there are murderous regimes that inflict harm on its citizens and present a threat for commonwealth; therefore waging a war against them is just.

Yet, at the time when invasion occurred, there were no signs that Saddam was attempting to commit great massacre¹¹. Essentially, neo-cons punished him for atrocities committed decades ago. When even the International Criminal Court cannot prosecute war criminals based on retroactivity, it does not sound convincing that neo-cons could bomb a country and overthrow a dictator because he conducted Anfal genocide fifteen years ago. However, Suarez allows for offensive war when injustice has already occurred (facta iam sit), so that satisfaction is sought through war.¹²


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Though Suarez does not specify how old can the injustice be, neo-cons claim they would have toppled Saddam in 1989, had they had any influence in Bush senior administration.¹³ Since not, they had to wait a decade to achieve this goal.

Suarez offers another borderline argument, though it might seem to fit more to the colonial argumentation line, and that is governing over barbarians if they commit atrocities. Nonetheless, Suarez argues this war should rarely, or never be approved, except in circumstances in which the slaughter of innocent people and similar wrongs take place (Suarez, Disputation XIII, Reichberg & Syse, 2006, p. 355).

It seems that these thoughts might leave some room for neo-con justification, seeing how it was in interest of Iraqi people not to live under the rule of brutal tyrant anymore (not that anyone asked them).

The problem with attempting to justify offensive neo-con war with Suarez's claim is that it fails already on the second step if we strictly follow his line of argumentation. Suarez did not have in mind the right of avenging injuries throughout the world, and he believed that unless victory is certain, these wars should be avoided.¹⁴ Having in mind that there were clear warning signals of chaos that would ensue in Iraq¹⁵, it is unlikely that Suarez would justify this offensive war.

Second part that needs to be tested is whether spreading democracy constitutes just cause for war?

Since this notion is new, and at the time was not present, the best way to look at it would be to compare it with just war theory's position on spreading religion.

Though Christianity and democracy might seem like inadequate categories for right comparison, the comparison will be conducted based on similarities they possess in this case:

1. There was/is a convinced surrounding belief that both are the only proper way to live

2. There are both values, shared and preserved by Western society, that were/are considered worth spreading to those that are at lesser level of consciousness/ development (whether by missionaries or modern social engineering projects, introducing civil society etc).

So the right question is: Was it legitimate within just war theory to spread religion by using force? And in today's con-

¹³ "Leaving Saddam in place, and declining to support the Kurdish and Shiite uprisings that followed the first Gulf war, begat more than a decade of Iraqi suffering, rancor among our war allies, diplomatic isolation for the U.S., and a crumbling regime of UN sanctions". (Krauthammer, 2005, p.21)

¹⁴ The assertion that supreme kings have the power of avenging injuries throughout the whole world (totius orbis) is entirely false and throws into confusion all the orderly distinctions of jurisdiction...Offensive war is a matter of choice...for that reason if the expectation of victory is less apt to be realized than the chance of defeat, than in almost every case, the war should be avoided. (Suarez, Disputation XIII, Reichberg & Syse, 2006, pp. 349-352)

¹⁵ Chaos that followed invasion in Iraq was expected. (US army chief of staff at the time warned in February 2003. Congress that several hundred troops would be required after the invasion to maintain security - Roth, 2009, p.106)

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text, would it be looked upon favorably to export democracy forcibly?

While some liberal thinkers openly despised this¹⁶, just war theory also explicitly forbids war for such means. Aquinas argues that non believers could be induced to embrace the faith not by compulsion but by persuasion only¹⁷, Augustine says that Christ did nothing by force, but did everything by persuading and warning¹⁸, Vitoria elaborates on how Christians can not wage wars in order to introduce “the right religion” to infidels, saying that “War is no argument for the truth of the Christian faith” (Vitoria, De Indis, Reichberg & Syse, 2005, p. 295). Translated in today’s words, according to Vitoria it would not be just to spread democracy by force even with SC consent.¹⁹

This notion, unlike that of regime change seems to offer no room for neo-con rebuttle. If in the middle ages and renaissance, when it was unanomosly accepted that Christianity is the only right religion, was not considered right to go and spread religion by force , it is hardly acceptable to impose liberal democracy as the only right way of living in the 21st century.

Overall just war theory is based on limiting the use of force. The theorists offer moderate approach, focusing on constraints and seeing war as the least desired outcome. While they justify certain titles for waging wars, they constantly express how cautiously and with much examination and doubt, it should be done. In contrast, some of the typical neo-con thoughts are : “The suasion of bayonet brings the results, not the moral suasion” (Krauthammer, 2004), America has the capacity to contain or destroy many of the world’s monsters and failing to do so is to endorse “a policy of cowardice and dishonor”(Krauthammer, 2005), “global crusades” etc. Neo-cons strongly believe in power of war, and for that reason, they argue that US power should be unconstrained. By pointing to UN lack of efficiency, they question the main international legal authority and from that conclude that the responsibility of solving the problems of Hobbesian world lies on America’s shoulder (Kagan and Kristol)

There are many accounts on which Iraq war failed in adhering to just war theory. This essay examined two of those criteria for jus ad bellum – notion of legitimate authority (and sub-

¹⁶ “To go to war for an idea, if the war is aggressive, not defensive, is as criminal as to go to war for territory or revenue; for it is as little justifiable to force our ideas on other people, as to compel them to submit to our will in any other respect”. (John Stuart Mill as cited in Thomashaussen, 2002)

¹⁷ (Summa Theologiae, II-II, Question 10, as cited in Reichberg & Syse, 2006, p. 192).

¹⁸ (Augustine, On true religion bk. XVI as cited in Reicheberg and Syse, 2006, p.86) .Though Augustine’s opinion on spreading religion is polarizing , saying on the other place that “Why should not the Church use force in compelling her lost sons to return, if the sons compelled others to their destruction” (Letter to Boniface, Reicheberg & Syse, 2006, p. 88), it has to be noted that he was referring to problems with Donatists., not in general as how should the Christians treat other religions.

¹⁹ Vitoria argues that Christian princes, even on the authority of pope, may not compel barbarians to give up their sins against the law of nature, nor punish them for such sins. (Vitoria, De Indis, Reichberg & Syse, 2006, p.297)


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sequently overall legitimacy of war) and the notion of regime change and spreading democracy as a just cause. Though neo-con war failed on these two criteria to be deemed as just, it is always possible to take out few excerpts of just war theory and frame them in way to justify war in Iraq (or any war for that matter). But the principle underlying reason why neo-con explanation cannot pass the just war theory test are the polarizing inner differences between neo-con ideology just war theory. As it was presented through the essay with different statements and arguments from both sides, they express different ethical views on rights of waging war in general. While just war theory admits, this right reluctantly and with numerous limitations and impediments, neo-cons openly sees this as a right way of setting their moral and political agenda.

For that principal reason, neither neo-conservative doctrine nor its outcome, the war in Iraq, does not pass moral and political requirements set forth by just war principles.

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Peacekeeping missions of the Federal Republic of Germany - A state in search of new traditions and the challenges on that path

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Abstract

After the end of the World War II, the demilitarisation of Germany had to be rejected because of the tensions during the Cold War. Germany became an ally, a member of the North Atlantic Alliance and the Western Europe community. As a member, it began to take part in humanitarian missions and, in the beginning of 1990s, in peacekeeping missions too. From the “consumer of security”, it became a “producer of security”. The new role on the international political scene meant more responsibility as well as generated more intense debates inside this country. The issue most frequently highlighted was related to the legality of peacekeeping missions, and it is still topical in certain circles. The following were indicated as main motives for peacekeeping missions: historical responsibility for protection of democratic values and elimination of security risks. As the primary factor in peacekeeping missions, the German Army is, through military professionalization, effectively transforming its defence forces so that they are ready to undertake any type of mission at any time. The transformation process, however, is more a result of the reaction to given situations than of a proactive reform process. Even though the German Army is nowadays facing extensive logistic problems, it is still welcomed and inevitable in peacekeeping missions.

Key words: *peacekeeping missions, legality of peacekeeping missions, civil peacekeeping force, historical heritage, prevention of humanitarian catastrophes, military reaction*

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Contrary to some other states, the Federal Republic of Germany cannot look back at a long tradition of participation in peacekeeping missions. This domain of its foreign policy had long been under strong influence of the memories of the „catastrophe of World War I and militarism of the Fascist Germany“ (Kuehne, 2007: 1, see more in Rauch 2006: 27ff). Even though Germany now refers to democratic values, this memory, as well as forty years long division to the “eastern” and “western” Germany still affects its interstate activity in some measure. Because of ethical/historical responsibility and due to geostrategic changes in the 1990s, the original orientation of the society against peacekeeping missions is now changing. This is partly due to the intensification of wars. Germany is becoming autonomous; it is redefining its positions, promotes them forcefully and is now becoming one of leading peacekeeping factors in the world. From a substantial “consumer of security“, it is now becoming a “producer of security“ (von Neubeck 2007: 44).

But its participation in missions is not limited to humanitarian ones; Germany now takes active part in new forms of missions.¹ The question is how Germany managed to so integrate in the world politics, without its activities being seen in the light of negative connotations? In the first place, what was the public response, both in the country and beyond it, to such developments? To facilitate the answering to these questions, here below follows a short analysis of German foreign and security policy before the 1990s and the renewal of Bundeswehr (the Army of the FR Germany), which is main actor in peacekeeping missions, so as to clarify the relations between Germany, North Atlantic Alliance (NATO), the United Nations, and other peacekeeping/political actors. It is also inevitable to consider both foreign-policy and internal situation and challenges arising from them, placing the accent on the developments in the Balkans. In the end follows a brief discussion on the Afghanistan mission as a problem currently faced by Germany.

Heritage and new beginning of the Armed Forces of FR Germany

As it turned out, the demilitarisation of Germany undertaken after the end of the World War II with the aim of achieving the global peacekeeping, was inopportune bearing in mind the worsening of the relations between the Soviet Union and the United States of America. At the same time, Germany itself became an area of con-

¹ The role of peacekeeping forces should not be reduced to „peacekeeping“ only, but should strive for “peacebuilding“ (Kuehne 2007: 4). Now discussions are being held about taking part in “peace enforcement” missions.



flicts and the need for its own armed forces increased. In view of this goal, external and internal obstacles had to be removed.

Though it was greatly needed, the renewal of the FR Germany's army² was characterised by the fear of allies that Germany will once again become a belligerent power. Only integration into a collective security system could ensure the control over the military and, accordingly, alleviate the fears (von Neubeck 2007: 51). Consequently, Bundeswehr was founded only after Germany joined the West European Union for Safety and Security in 1954 and NATO in 1955, in May 1956. With this, foreign-policy obstacles were removed.

As opposed to external obstacles, internal obstacles were composed of two elements: on one hand, the absence of legal grounds for establishment of an army, and on the other, the public which, contrary to what had been the situation at the national-socialist times, was more active and more ready to assume responsibility and take part in public debates. Legal grounds for restoration of army was put in place in 1956 when so-called "military constitution" (Wehrverfassung) was adopted, namely when Article 87a of the Constitution of the FR Germany was adopted. This Article laid down that the purpose of armed forces is to "defend the country and its population" from outside attacks, threats, and political blackmail.³ The most critical characteristic of the army is that it is supervised by the Parliament. On the other hand, the public's response to establishment of army was at first very heated and criticising, but the foreign-policy situation, namely internal political situation in 1950s (the Berlin Blockade, for instance) assuaged the criticisms.

Considering the situation, German military forces did not take part in peacekeeping missions. Their activities were limited to the protection of population and country borders, and, possibly, supporting the allies, namely members of NATO. Humanitarian missions were legitimate but this was not true for peacekeeping missions because any activity of armed forces outside its own country borders, or that of its allies, was considered to be a manifestation of German hegemony, namely the return to Prussian, or National-Socialist traditions, and was therefore criticised in the society (Kuehne, 2007: 4). France objected for these same reasons.

It was only after it joined membership of the United Nations (UN) in July 1973 that Germany had the opportunity to take part in peacekeeping missions and that was the time when the problem arose which was present in all the discussions held before the 1990s – the problem with the legality which was the primary issue.⁴ The pacifist position taken by the Vili Brandt's Government⁵ influenced

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² The day taken as the day of establishment of the Federal Republic of Germany is the 24th of May 1949, when the "Basic law" (Das Grundgesetz) was adopted, i.e. the Constitution of the FR Germany. Considering that, through the unification of Germany in 1990, the Democratic Republic of Germany (DRG) ceased to exist, i.e. the political system of the Federal Republic of Germany prevailed, and the developments studied in the literature mostly concern the FRG. Consequently, hereafter, we are referring to the developments in the "Western Germany, or the FR Germany.

³ Article 87a, the Constitution of the FR Germany. Liberally translated by the author of the paper.

⁴ The legality issues, namely the issue of constitutionality of the participation in peacekeeping missions, will be discussed in more detail below.

⁵ The coalition between the Social Democratic Party (SPD) and Free Democratic Party, i.e. liberals (FDP) in the period 1969-1974.

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⁶ „The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.“ (Article 1 paragraph 2 of the Constitution of FR Germany)

⁷ „With a view to maintaining peace, the Federation may enter into a system of mutual collective security; in doing so it shall consent to such limitations upon its sovereign powers as will bring about and secure a lasting peace in Europe and among the nations of the world. (Article 24 paragraph 2 of the Constitution of FR Germany)

⁸ „Apart from defence, the Armed Forces may be employed only to the extent expressly permitted by this Basic Law.“ (Article 87a paragraph 2 of the Constitution of FR Germany)

⁹ FDP was for the participation in peacekeeping missions but its standpoint was that the Constitution did not define the relevant possibilities in sufficient detail. That is the reason why in 1993 it filed a lawsuit against the Government for „counter-constitutional participation in peacekeeping mission in the Balkans and in Somalia“ even though it was a coalition partner of the Government at that time.

¹⁰ During the Gulf War, German troops, who were within NATO, were located in Turkey. Their role was to defend the ally (Turkey as a member of NATO) in case it was attacked by Iraq. The troops took part in surveillance activities, in ALPHA-Jet airplanes. The SPD's and FDP's lawsuit was intended to clarify whether these missions were counter-constitutional or not. On the other hand, the 1994 lawsuit was supposed to determine whether surveillance activities undertaken in German AWACS airplanes during the actions in Bosnia and Herzegovina were counter-constitutional or not, considering they were undertaken outside the territory of the ally (“out-of-area”).

the rejection of any possibility to take part in peacekeeping missions and, because of the absence of outside pressures on Germany, the scope of activities was reduced to logistical, medical, and financial support to the United Nations in their humanitarian missions.

Discussion on participation in peacekeeping missions

It was not only the 1990 reunification, but also the changes in the global order following the collapse of the Soviet Union, that imposed on Germany a new role on the international political scene and, arising from it, new tasks. Germany has been increasingly more expected to be autonomous, responsible, and, surely, to participate in peacekeeping missions. The present-day German Chancellor Helmut Kohl also finds that financial support only is insufficient. According to him, the reunified Germany should undertake more responsibility (von Neubeck 2007: 78). The main point of discussion in Bundestag (lower house of the German Parliament) related to the legality of peacekeeping missions. The supporters of the Christian Democratic Union (CDU) in the first place, and the Free Democratic Party of Germany (FDP) too, justify the participation in missions referring to the Articles of the Constitution: obligation to protect human rights and peaceful world order, as derived from the affiliation to the system of collective security (Article 1 paragraph 2⁶, Article 24 paragraph 2⁷ of the Constitution), namely taking part in peacekeeping missions in order to achieve these goals (Article 87a paragraph 2⁸). And historical responsibility of Germany was always underlined (von Neubeck 2007: 77ff).⁹ On the other hand, the Green Party (DIE GRÜNE/BÜNDNIS 90) and the Social Democratic Party of Germany (SPD) hold that Germany should develop as a civil peacekeeping force (von Neubeck 2007: 48). They are of the opinion that taking part in peacekeeping missions, regardless of the form it takes, is unlawful. These arguments were partly true considering that none of above Articles explicitly mentions, regulates, or defines the forms of and requirements for participations in peacekeeping missions.

Even though the Articles of the Constitution were interpreted differently – and this gave rise to different positions taken by different political parties, they were not changed, and German armed forces do take part in peacekeeping missions. First troops were placed in Turkey, Somalia, and, at the time of disintegration of Yugoslavia, in the Balkans.¹⁰ This did not smother the debates over the constitutionality; they had been held all the way to 1993, or 1994 when, based on the lawsuits filed by SPD, namely FDP, referring to the



German army's taking part in the peacekeeping missions (in the first place in Turkey and in the Balkans¹¹), the Constitutional Court of Germany decided that the missions were legal by virtue of Article 24 paragraph 1 of the Constitution¹² since they were implemented pursuant to the Charter of the United Nations, namely that the Bundeswehr's activities outside the country borders, i.e. borders of the federal states (so-called "out of area" missions) are "in accordance with the Constitution, but must be previously, on case by case basis, approved by majority vote in both homes of the Parliament" (von Heiman 2005).¹³ To this effect, upon its own proposal or the proposal of the Government, Bundestag would adopt a law (so-called *Entsendegesetz*) to regulate the mission goal, duration and form. Under the influence of terrorist attacks on the World Trade Centre on 11 September 2001 and through the 2003 Law, the Government got power to, in the event of crisis, in summary proceedings decide on sending troops and Bundestag was to discuss the matter later on and was required to approve the mission. Therefore, it remained the centre of power when it comes to peacekeeping missions, and Bundeswehr remained a parliamentary army. It was not only that the decisions of the Constitutional Court defined the legal grounds for sending armed troops abroad, within the peacekeeping missions, the positions taken by the politicians and general public also changed, namely they were increasingly more supporting such forms of the activities undertaken by the German army.

As opposed to other conflicts, due to the historical heritage the war in the territory of former Yugoslavia was high on the agenda. Foreign-policy pressure for German participation was increasing, both because of the German recognition of Slovenian and Croatian independence and because of general abstinence from peacekeeping missions.¹⁴ Even the viewpoint according to which German soldiers will never again be active in the territory that was occupied by Wehrmacht (armed forces of the Nazi Germany) during the WW II had to be rejected shortly afterwards because the conflicts intensified.¹⁵ For Germany, the prevention of humanitarian catastrophe always was, and still remains, a primary argument and motive for participation in peacekeeping missions. It refers to its Nazi heritage from which there arise its responsibility to prevent recurrence of genocide, ethnic cleansing, or conflicts in general. Since the war in former Yugoslavia was a security risk not only for Germany but for the European Community too, because of the conflict *per se*, or due to uncontrolled migrations of the population which found its way to Germany in large numbers, German participation in the missions was a matter of fact. Besides, foreign-policy pressure on Germany to

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¹¹ As opposed to Somalia, where German troops were within the Blue Helmets and their activities were limited to humanitarian endeavors, in Bosnia and Herzegovina German soldiers were within NATO troops, all in accordance with the Resolutions and under the UN mandate, and they were authorized to directly take part in the battle.

¹² "The Federation may by a law transfer sovereign powers to international organisations." (Article 24 paragraph 1 of the Constitution of FR Germany)

¹³ Liberally translated by the author of the paper.

¹⁴ That the recognition of Slovenian and Croatian independence by FR Germany spurred on the conflict in former republics was a generally accepted opinion in the countries of Western Europe and in the USA (von Neubeck 2007: 206).

¹⁵ The so-called Kohl Doctrine, named by Helmut Kohl, the Chancellor of FR Germany at the time. The same views were taken with regard to Georgia.

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¹⁶ As opposed to NATO which have never used, the word "war" in its vocabulary related to the campaign against Yugoslavia, but only the phrase "intensive air operation", this word was used in the Bundestag debates almost immediately after the bombing started.

¹⁷ Ensuring peace by direct application of force.

¹⁸ "Acts tending to and undertaken with intent to disturb the peaceful relations between nations, especially to prepare for a war of aggression, shall be unconstitutional. They shall be made a criminal offence." (Article 26 paragraph 1 of the Constitution of the FR Germany). The PDS derived from the SED (Sozialistische Einheitspartei Deutschlands) – the only party from the DRG – has ever since the unification advocated the pacifist point of view and criticised all forms of activities of German troops outside the borders of the country.

¹⁹ Germany did not support military actions against Iraq, and the CDU openly criticised the Government in this regard. Even Angela Merkel, when she visited USA in 2002 as a candidate for the Chancellor, expressed her regret because of the non-participation of Germany in military actions. A conflict arose in the European Union too, with Germany, together with France and Russia, leading a group of states against the military actions in Iraq. It was revealed in the discussions about Afghanistan that difference of opinion in the ruling coalition (SPD and the "Green") and, after that, the Chancellor Schroeder linked the question of participation in the mission to a vote of confidence (Vertrauensfrage) and, by doing so, ensured support for the participation in the battle against terrorism.

²⁰ German troops have first independently undertaken coordination in the peace-keeping mission in Kosovo and Metohia.

take intensify its participation in the international politics could no longer be ignored. These three motives were repeatedly mentioned as a primary reason for participation in missions: prevention of humanitarian catastrophe, prevention of further migration of population, and cooperation with NATO (Kuehneq 2007: 3) and, beginning with 1995, Germany takes part in all missions in the Balkans.

The 1999 bombing of Yugoslavia, although supported by both homes of German Parliament, still left plenty room for debate and was placed in the focus of the discussions held about Iraq in 2003. Described as a peacekeeping mission, the bombing of Yugoslavia was under a question mark because the end of operations was unpredictable and, moreover, it was criticised by the ruling parties themselves, irrespective of highlighting the prevention of humanitarian catastrophes as the main motive and goal of the mission. On the other hand, there was a public debate about waging the war against a sovereign state, particularly bearing in mind that the campaign was undertaken without the UN mandate.¹⁶ An integral part of the legality issue was the issue of the new form of peacekeeping missions, the so-called peace enforcement.¹⁷ The PDS (Party of Democratic Socialism) has even pressed charges against the Government for infringement of the Constitution according to Article 26 paragraph 1.¹⁸ Prohibition of waging war – which were rejected on 25 May 1999.

Contrary to the bombing of Yugoslavia, willingness to implement similar action in Afghanistan and Iraq was not supported by the German Government.¹⁹ Germany did support USA in the "War on Terrorism", but this time the participation of German military would be approved only under the UN mandate, so that the troops in Afghanistan, which are a part of ISAF (International Security Assistance Force), were sent only after the Council of Security Resolution 1386 was adopted in November 2001. Together with the Netherlands, Germany assumed the responsibility over the troops in the Northern part of the country,²⁰ but it did not have the authorisation to have targeted participation in the battles against Talibans, which was most criticised by the allies. The main tasks of the German troops, those within the Provincial Reconstruction Team (PRT), included the establishment of security in Afghanistan and the democratic society building, creation of economic conditions for the livelihood of the population and environmental protection. As secondary motives, these tasks are interwoven in all peacekeeping missions in which Germany have taken part ever since the mission in Somalia in 1992 (Kuehneq 2007: 3). Because of the aggravation of the situation, and following the debates in 2008, Mr. Franz Josef



Jung, the Minister of Defence, decided to approve that a part of German troops takes part, beginning with July 2008, in surveillance, patrols and convoy protection, and even in the battles against Taliban in the northern part of Afghanistan.²¹ Although the allies supported German taking part in the mission in Afghanistan, and even though it was well received inside the country, the discussions on extension of the mandate were always very heated. In one such discussion, Mr. Peter Struck, the Minister of Defence at that time, made the well-known statement: “Germany is also being defended at the Hindu Kush”²² (Kuehneq 2007: 3) which best explains the motivation for German presence in Afghanistan.

Peacekeeping missions – a challenge for Bundeswehr

When Germany was reunifying, the states that won the World War II, fearing Bundeswehr, made the 2+4 Contract²³ requiring the reduction in number of soldiers. Besides, the new role that was imposed on Germany in 1990s called for radical reorganisation. The “New Army for New Challenges”²⁴, besides its core segment – Hauptverteidigungskräfte (i.e. the troops intended for the defence of territory), was to have the Crisis Troops²⁵ - Krisenreaktionskräfte, which would act in specified events (i.e. for peacekeeping and humanitarian needs). Practical implementation of this new organisation showed, however, that it is too time-consuming and complicated. Moreover, it was not indicated which troops would be within the Crisis Troops, which troops would be created as needed, what would be their authorisations; accordingly, much criticism followed. During the missions as such, the main flaw was the absence of a supreme coordination body, i.e. the General Staff.²⁶ This problem was supposed to be remedied when on 1 January 1995 the Bundeswehr Administration Centre (Fuehrungszentrum der Bundeswehr – FueZBw) was established since this meant that a new General Staff need not be set up for individual missions in future, and that the Minister of Defence retained the right to decide on missions. However, this institution was not capable of replacing the General Staff and it only alleviated some of the shortcomings (see more in von Neubeck 2007: 364ff).

The Commission on the future of Bundeswehr²⁷ analysed, in 1999, the functioning and role of Bundeswehr in the 21st century. Its conclusion was that the military budget was decreased in the 1990s to the level of 1.5% GDP, much below the average in NATO Member States.²⁸ That is why the armaments, infrastructure and equipment were outdated, which was clearly manifested in the mis-

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²¹ A part of German troops is within the Quick Reaction Force and they perform their tasks acting in conjunction with Norwegian soldiers.

²² “Die Sicherheit Deutschlands wird auch am Hindukusch verteidigt.” – Liberally translated by the author of the paper.

²³ The 2+4 Contract or the Contract on Final Provisions for Germany, 1990, regulated what were to that date most controversial issues related to the unification, namely the issues of borders, neutrality of Germany, presence of Soviet military in East Germany, sovereignty, and the size and role of German Army.

²⁴ The General Inspector Harmut Bagar's concept of the new role of Bundeswehr.

²⁵ The size of troops would be about 50 000 soldiers.

²⁶ As it was already mentioned, the FR Germany army restructuring is characterised by external influence and control. That is why Bundeswehr was integrated in NATO, namely subordinated to the Ministry of Defence, and, consequently, does not have the General Staff.

²⁷ Since the head of the Commission was Richard von Weizsaecker (later the President of FR Germany), it was also known as the Weizsaecker Commission.

²⁸ The average at that time was 2.29 % of GDP (von Neubeck 2007: 364)

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sions, and Germany was not able to respond to the challenges it faced. Besides, there was a problem with insufficient number of soldiers, participants in the missions. Namely, regardless of the fact that military obligation is in place, soldiers in regular service do not take part in the missions, unless they demand it explicitly.²⁹ As opposed to them, professional soldiers and contract soldiers do take part in peacekeeping missions. The contingents available to Bundeswehr do not meet the basic requirements for participation in peacekeeping operations.³⁰

Bundeswehr is presently undergoing the “transformation process” as announced in 2000 by the then Minister of Defence, Mr. Peter Struck. The military reform was launched envisaging the reduction of the number of persons in obligatory service to 50 000, and the increase of the number of professional and contract soldiers to 195 000. Military professionalization is a logical solution for foreign-policy, but also for military, purposes (von Neubeck 2007: 365ff). Bundeswehr is to be divided into the units trained and armed in accordance with the tasks they are to perform: Quick Reaction Units (Eingreifskraefte), Stabilisation Units (Stabilisierungskraefte), and Support Units (Unterstuetzungskraefte). A defence army would be turned into an army capable of responding to the challenges of peacekeeping missions. The debates over new reforms and military professionalization, and the abolition of obligatory military service, are still ongoing.

From the defence army to the reaction army

Today Germany takes part in eleven peacekeeping missions all over the world. Thanks to them, it managed to distinguish itself as a significant peacekeeping-political factor. Here we must keep in mind that it was supported by other world powers, above all USA which insisted that more responsibility be assumed both globally and within the country itself. Through this support, old fears of Germany were forgotten and new foundations were built for new traditions.

As for internal politics, the participation in missions was never accepted matter-of-factly and always provoked long debates. That is why Germany often failed to join the mission in a planned manner, but have rather responded to the conditions that were set in front of it (the conditions of the mission per se, and the situation in the country). Nevertheless, these reactions have produced Bundeswehr reforms, from the 1990s to this date, and the military have effectively adapted and implemented the peacekeeping missions. Besides, thanks to the peacekeeping missions, the military consolidated its

²⁹ Here soldiers sign contracts after they have completed their obligatory service. These soldiers are different from contract soldiers.

³⁰ The time a soldier can be in a mission is limited to 6 months. Now this time has been shortened to 4 months. On the time for mission should be added time for training. That way the necessary time is doubled.



own position in the country and ensured greater popular support. Bundeswehr managed to transform itself from a defence army to a reaction army with a role to protect world peace.

At present the issue of participating in peacekeeping missions is interwoven with the debates over Afghanistan, possibilities of new reforms of Bundeswehr, and the new role of Germany in international institutions. A question mark was placed over the acceptability of German participating in the new forms of peacekeeping missions after what happened in Afghanistan (German bombardiers bombed two tankers in September 2009), and the number of soldiers willing to take part in the missions is constantly below the required numbers. Despite of all these problems, no one expects that Germany will withdraw from this segment of the political scene and from peacekeeping missions. The battle against terrorism in full blast and Germany is a reliable ally in it.

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Participation of Women in UN Peacekeeping Operations

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Abstract

Participation of women in the UN peacekeeping operations, as one of necessary preconditions for their effective and successful implementation, has become more widely accepted only during the past ten years. Although women's contribution in the peacekeeping operations is multifaceted (the level of security among the local women increases, the trust of the local community in the mission grows, the contact with the female population is easier to establish, etc.), the percentage of women who participate in these operations is at the low level, especially when it comes to police and military troops. The greatest obstacles to higher involvement of women in peacekeeping operations are in the fact that there are very few women in police and military units in the states which participate in the UN peacekeeping operations, but also in gender discrimination based on prejudice and stereotypes that women do not have required psychological and physical abilities to perform successfully in the peacekeeping operations. These are, at the same time, the reasons why so few women are involved in the UN peacekeeping operations in which the Serbian police and military units are participating.

Key words: UN Peacekeeping operations, women, security, UNSC Resolution 1325.

Introduction

Throughout more than sixty year long history of peacekeeping operations under the auspices of the United Nations (UN), their number and complexity has been constantly increasing. Parallel with the extension of the peace operations' mandate to peace building and post-conflict reconstruction, there was an increasing need to hire a greater number of qualified, experienced and well-trained staff who would successfully implement the peacekeeping mission's tasks.



The idea that equal participation of women could contribute to success of peacekeeping operations has been developing slowly and it has become more widely accepted only during the past ten years. Out of the total number of military and police personnel, women currently participate with 2% and 8% respectively¹, whereas in the total number of civilian staff they make for 30%. Throughout the history of the UN peacekeeping operations, there have been only seven women so far who were the UN Secretary General's Special Envoys or Heads of some peacekeeping operation, whereas there is only one woman at the moment serving at such a position² (Pampell Conoway and Shoemaker, 2008: 8, 23). Most of the reasons that hinder women's participation in peacekeeping operations, thus leading to their low number, are based on gender bias and traditional understanding of social roles "acceptable" for women. In this paper we will explain the advantages of women's participation in peacekeeping operations and main obstacles hindering greater involvement of women in such operations. In the latter part of the paper we will analyze women's participation in the UN Peacekeeping Operations in which the Republic of Serbia participates.

Women, peace and security

Women constitute half the world's population (CIA The World Factbook: 2009)³, but at the same time (together with children) they are the majority of the victims of wars (Pampell Conoway, 2006:1). During the conflict women are forced to leave their homes, they become the victims of sexual violence and human trafficking; they are exposed to psychological and physical violence, and sometimes even to forced recruitment into armed groups. After the conflict, women also take the burden of the post-conflict reconstruction through participation in building the infrastructure, reconstructing the broken connections within their communities, laws and customs (Pampell Conoway, 2006:1). However, even during this period women are often victims of sexual and physical violence, they are denied the basic means for living and the opportunity to participate in decision making processes which directly influence the communities in which they live and the quality of their lives. By direct participation in conflicts as members of armed forces, after the conflict women face the challenges of demobilization and integration into society. One of the preconditions for establishment of sustainable peace at the principles of democracy and protection of human rights is to include the gender perspective⁴ into the process of post-conflict reconstruction and peacekeeping operations, as well as to increase

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¹ Quoted by: United Nations Peacekeeping Fact Sheet: <http://www.un.org/en/peacekeeping/documents/factsheet.pdf> (accessed on 8 January 2010)

² UNMIL Mission in Liberia is currently the only UN Peacekeeping Mission headed by a woman, Danish Ambassador Ellen Margarethe Lfj, whereas there are four Missions where women are Deputy Heads (Congo, Chad, Liberia and Haiti). Source: <http://www.un.org/en/peacekeeping/sites/srsg/index.htm> (accessed on 8 January 2010)

³ Source: CIA The World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/xx.html> (accessed on 8 January 2010)

⁴ "Gender perspective" refers to the awareness of gender differences and consideration of such differences in the process of formulation of measures, concrete policies and activities. "Gender" refers to socially construed roles of women and men, whereas "sex" refers to biological differences between women and men. Gender equality implies equal visibility, empowerment and participation of both sexes in all the spheres of public and private life. Gender mainstreaming strategy "includes the strategy of inclusion of women's and men's interests and experiences in the development programmes in all political, economic and social spheres, so that the benefit for all the men and women is equal, and the inequality is not reinforced." (UN, 1997; Gender Equality Council of the Government of the Republic of Serbia and OSCE Mission in Serbia 2007). *Handbook for public servants and local bodies in charge for gender equality, Belgrade, 2007*

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⁵ The original text of the UNSC Resolution 1325 is available at: <http://www.peacewomen.org/un/sc/1325.html#Full>

⁶ The implementation of the Resolution 1325 through adoption of the *National Action Plan for Implementation of the Resolution UNSCR 1325* is a legal, moral and political obligation of the UN member states. Such plans have been adopted in only sixteen UN member states so far. Source: <http://www.un-instraw.org/en/gps/general/implementation-of-un-scr-1325.html> (accessed on 9 January 2010). The initiative to develop and implement the National Action Plan for Implementation of the Resolution UNSCR 1325 came from the Belgrade Fund for Political Excellence (BFPE) in cooperation with the Ministry of Defence.

⁷ The Mission also includes 22 men, who work on logistic tasks. Source: UN News Centre <http://www.un.org/apps/news/story.asp?NewsID=21391&Cr=liberia&Cr1> (accessed on 17 January 2010).

⁸ The original text of the Resolution UNSCR 1820 is available at: http://www.un.org/Docs/sc/unsc_resolutions08.htm (accessed on 17 January 2010). The provisions of this Resolution and of the Resolution 1325 were reaffirmed by two additional UN SC Resolutions 1888 and 1889, adopted during autumn 2009.

⁹ Sexual violence against women and girls (especially rape) is more and more often used as the tools of war, leaving permanent marks in the victims' lives.

¹⁰ Different programmes of the post-conflict reconstruction should focus on establishment of the legal, medical and psychological support to the women victims of (sexual) violence. At the same time it is necessary to work on establishing the conditions for equal participation of women in political and social life of the community and equal employment opportunities.

the number of women who participate in these processes. Taking into consideration the importance of women's participation in the processes of peace-building and peacekeeping, the UN Security Council adopted the Resolution 1325⁵ in October 2000, the first resolution in the history of the UN which refers to the consequences that armed conflicts have on women and which emphasizes the need for equal participation of women in all the processes of peace-building and peacekeeping. The Resolution calls on the UN member states to take actions in the following areas: 1) guarantee that more women will be involved in decision making on conflict resolution and peace processes, at all levels; 2) develop peacekeeping training programmes which would include the gender perspective; 3) protect women from gender based violence during the armed conflicts, especially from rape and other forms of sexual abuse; 4) include gender perspective into the UN reports on peace-building and implementation of the programmes (UNSCR 1325, 2000). The implementation of this Resolution in the UN member states is *ad hoc* and random⁶, although since its adoption the awareness on the need to involve women in peacekeeping operations and processes of post-conflict reconstruction has increased significantly. The example for this is the UN Peacekeeping Mission in Liberia (UNMIL), which, for the first time in the history of the UN peacekeeping operations, included in 2007 an operational police unit from India consisting of only women – 103 of them⁷. Furthermore, in June 2008 the UN SC adopted the Resolution 1820 on ending the practice of sexual violence against the civilians in conflict situations.⁸ This Resolution contains several points which also request all the members of peacekeeping missions to undergo awareness raising seminars in order to take full responsibility and prevent sexual abuse while serving in the missions, as well as to deploy a higher percentage of women in the peacekeeping troops or in the police. In order for these two Resolutions to have the desired impact, their implementation needs to be more effective and widespread in the UN member states.

Advantages of participation of women in the peacekeeping operations

The fact that the conflicts have different consequences on women and men⁹ is often disregarded during the process of peace-building and post-conflict reconstruction, including that the women have special needs¹⁰ which are sidelined because of their marginalization in some societies. One of the ways to meet the women's needs and increase the level of their security is to have greater involvement of



women in peacekeeping operations. Female staff members of the peacekeeping operations are more sensitive to the needs and problems that women in local communities are facing, therefore the women and the girls who had been exposed to sexual and physical violence are more likely to report these cases to the female personnel of the mission. By creating the atmosphere in which the women are unafraid to speak openly about the problems they are facing, especially about sexual violence, the feeling of increased security is created among the local population, particularly among the women and children. At the same time the sensitivity and readiness of the male staff members of a peacekeeping mission to react to the cases of women's rights violations are increasing, particularly when the cases of sexual and physical abuse are concerned, which do not necessarily stop once the conflict is over. It has become obvious that participation of women in the peacekeeping operations contributes to a higher level of discipline among the male staff members of the mission and decrease in number of cases of sexual exploitation and abuse of women in which the members of the peacekeeping missions are involved (DeGroot: 2008).

Women's participation in the peacekeeping operations has been recognized not only as the issue of gender equality and women's right', but also as one of the preconditions for full operational impact of the peacekeeping operations (UN, 2006:10). In direct contact with their local community, women have an opportunity to gather the information indicating growing tensions and potential for conflict outbreak, and local women's organizations often appear as mediators between the parties in war, the Government and the United Nations (UN Secretary General's Report, 2004).¹¹ Bearing in mind that women establish contacts among themselves more easily, participation of women in peacekeeping operations facilitates establishment of contacts and cooperation with the women in local community, which allows for the opportunity to obtain the information otherwise unavailable to male staff members of the peacekeeping missions. In the cultures in which the physical contact between men and women is forbidden, the tasks such as body search of women and search of premises where women stay would be much more difficult if they would not be entrusted with female staff members. Similar problem occurs with provision of medical help to female population – it is often not allowed to attend to women unless there are female doctors in the medical team (UN, 2006:14).

The success of the peacekeeping operations in establishing the principles of human rights, rule of law and in providing the security to the local populations largely depends on conduct and attitude of the mission members towards the local population. Participation of

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¹¹ The Report is about the implementation results of the UN SC Resolution 1325 and it is available at: <http://www.un.org/womenwatch/osagi/wps/sg2004.htm#S/2002/1154> (accessed on 30 January 2010)

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women in peacekeeping operations contributes to a greater trust in the mission, not only among the local women but also men. When contacting with the local population female mission members often show greater level of understanding for local cultural and religious peculiarities and they are more successful in establishing dialogue, which encourages trust and cooperation of the local population with the peacekeeping mission staff (UNA Canada, 2007). By giving an example to the local community that women can be successful in police, military or other tasks within the peacekeeping operation, it is possible to have an indirect impact on the local population's gender based stereotypes of social roles of women. By encouraging women's activities in the process of peace-building, the conditions are created for subsequent integration of the gender equality principles into the constitutional and legal framework, which would create an opportunity for women to equally participate in shaping the life of community to which they belong.

With the aim of having the UN peacekeeping missions as successful as possible in tackling the problems that women are facing in the period of post-conflict reconstruction, the UN Department of Peacekeeping Operations (DPKO) started gradual introduction of gender units and gender advisers into the peacekeeping operations after the Resolution of the UN SC 1325 had been adopted.¹² Introduction of these units and advisers represents an attempt to strengthen the institutional mechanisms of including the gender perspective into all aspects of peacekeeping operations, and their task is to give the practical guidance and instructions to the civilian and military mission members and local institutions on meeting the specific needs of women and men in post-conflict situations (UN Gender and Peacekeeping Brochure, 2005). One of their tasks is to provide training to the mission members which should help them better understand the social context of the peacekeeping operation, the way the conflict affects the changed relations between men and women, the impact of the mission members' actions on the local community, and also to introduce them to the principles of gender equality and sexual non-discrimination (Lyytikäinen, 2007: 7). However, in spite of all the efforts to make the peacekeeping operations sensitive to local women and to increase women's participation in these operations, it is a known fact that, after the conflict is over, the women are often denied their basic rights and exposed to sexual violence and exploitation, which is in some cases perpetrated by the members of peacekeeping operations¹³, while the number of women who participate in these operations is still proportionally low in compared to men. Women who participate in peacekeeping operations face numerous obstacles in the recruitment stage, as well as during their work in the

¹² In 17 currently active UN peacekeeping operations there are 11 gender advisers.

¹³ The cases of sexual violence and exploitation of women committed by the UN peacekeeping operations members were recorded in several countries, such as Congo, Cambodia, Sierra Leone and Bosnia and Herzegovina. Although sexual abuse and exploitations of the local population had been forbidden before, the DPKO enacted a specific rulebook in 2002, by which it toughened the punitive measures against those who violated the rules, and in 2003 the Secretary General adopted the "Special Measures for Protection from Sexual Exploitation and Sexual Abuse". Source: http://www.globalizacija.com/doc_sr/s0068sim.htm (accessed on 30 January 2010).



mission. As a result, women's presence in the peacekeeping operations is still minimal, particularly at the leadership positions and among the operational staff.

Obstacles to greater participation of women in peacekeeping operations

Obstacles to greater participation of women in the operational forces of the peacekeeping mission (police and military units) can be categorized into two different groups. The first group includes the fact that the women in their home countries make up for the small percentage of operational forces within the police and the army, which limits the number of women in peacekeeping operations as well. The second group includes prejudice that women do not have all the necessary qualities – both physical and psychological, to be effective in police and military tasks (UN, 2006:8; Giraud, 2004:29). This is further enhanced by the fact that the percentage of women in the operational forces of the peacekeeping operations is lower than in the police and army forces of the participating UN member states (UN, 2006:8). Small percentage of women in the operational forces of the peacekeeping missions is accounted for by the participating states through an explanation that the recruitment of candidates is not based on particular decision to recruit a specific number of women – they are recruited if the unit to which they belong is deployed to the mission, and that the recruitment is based on the operational factors which are not related to any particular sex (UN, 2006:11). However, we need to take into consideration that women face numerous obstacles when they join the police and army and throughout their work in these institutions, so such a passive approach to recruitment of women, based on the "equal opportunities" principle, is not contributing to the changes which would lead to the increased participation of women in peacekeeping operations (UN, 2006:12). The factor which also affects the percentage of women in peacekeeping operations is the possibility of family visitation¹⁴ – in most cases the costs are not covered by the states, and in some cases they are not even allowed (UN, 2006:12). When it comes to women's participation in leadership positions within peacekeeping operations (Head or Deputy Head of Mission), the problems they face are similar, but the resistance to their hiring is greater. The selection process for these positions is often politically conditioned, and the candidates are in most cases the Ambassadors or Permanent Representatives to the UN (Pampell Conoway i Shoemaker, 2008: 8). The candidates for these positions are often required to meet the

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¹⁴ In most UN peacekeeping operations it is not allowed for the staff members to take their families with them, which is a hindering factor for many women when they consider participation in such operations.

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¹⁵ UNMIL in Liberia and MINUSTAH in Haiti.

¹⁶ MONUC in DR Kongo, UNOCI in Côte d'Ivoire, MINURCAT in Chad and Central African Republic and UNMIL in Liberia.

¹⁷ It is Chief Police Inspector Biljana Lazarević from the Uniformed Police Directorate of the Ministry of Interior, who previously worked in the mission to Liberia as an instructor at the local Police Academy. Source: http://www.mup.sr.gov.yu/cms_cir/sadrzaj.nsf/mirovna-misija-haiti.h (accessed on 1 February 2010).

¹⁸ Source: UN Peacekeeping Gender Statistics for December 2009, <http://www.un.org/en/peacekeeping/contributors/gender/2009gender/dec09.pdf> (accessed on 2 February 2010)

¹⁹ Ibid.

²⁰ Source: Ministry of Defence of the Republic of Serbia, overview of current international missions, http://www.mod.gov.rs/lat/mvs/mirovne_misije/aktuelne.php (accessed on 2 February 2010)

²¹ The figures are based on the assumption that the number of the MoI's employees has not changed significantly compared to the last available public information on the Serbian MoI's work from 2005 (Stojanović, S. (2008) Policija. In: Hadžić et.al, Ed. *Godišnjak reforme sektora bezbednosti u Srbiji*. Beograd: CCVO i Dangraf, p. 170)

requirements of several years of military experience, which prevents a significant number of women from being selected for these positions (Pampell Conoway i Shoemaker, 2008:8). Furthermore, the circles in which they make the decisions on appointment of Heads of Missions (Deputy Heads) are made out of men which have spent a number of years within the UN and which are part of a "boy's club", which has its prejudice against women's involvement in leading positions in the peacekeeping operations and which believes that they do not have sufficient political and diplomatic skills to successfully lead the peacekeeping operations (Pampell Conoway i Shoemaker, 2008:27). Considering that there are very few women in top positions within the UN, and that this process is quite closed for the candidates outside the UN circles, a very small number of women in leading positions in the peacekeeping operations is expected.

Women in peacekeeping operations in which the republic of Serbia is participating

The Republic of Serbia currently participates in five UN peacekeeping operations – two missions include the representatives of the Ministry of Interior¹⁵ and four missions the representatives of the Serbian Army¹⁶. The Serbian police contingent in both missions has 11 members, with only 2 women. Such a small number of women engaged in peacekeeping operations is, to a certain extent, counterbalanced by the fact that a woman is at the position of a commander of the Serbian police unit in Haiti¹⁷, but also by the fact that generally speaking there are very few women within police units in this particular mission – 4.3%.¹⁸ The total percentage of women in the mission to Liberia is 14.5%¹⁹, whereas in a six-member Serbian contingent there is one woman. The Serbian military contingent in the UN peacekeeping operations has 34 members, out of which there are only 6 women (17.6%).²⁰ The reasons for such a low participation of women in Serbian police and military units in the peacekeeping operations fall into three groups: 1) small number of women in the Serbian operational police and military forces; 2) prejudice, attitudes and conduct of male colleagues towards women in uniform and 3) lack of motivation among women to participate in the missions, most often because of long-term absence from home and separation from their families.

In the Serbian Ministry of Interior (MoI) only 4.9% of the total number of employees are women, i.e. 11.4% in the operational police units (Stojanović, 2008:170).²¹ Although a significant progress has been made compared to the period before 2000, the



proclaimed goal of 30% women in the police (Blagojević (2007), quoted in Stojanović, 2008:167) is still far away. Given that the high level of police education is still available only to a certain percentage of the female applicants (quota system), the representation of women in all police structures – from the lowest to the top ones is limited (Spasić, 2008:51). Men’s prejudice towards women police officers, based on the assumption that physical strength is the necessary precondition to perform police duties, failure to acknowledge their work abilities, sexual advances by their supervisors and colleagues and verbal disparaging of their capabilities are some of the problems that women in the police are facing (Spasić, 2008:56). In the Ministry of Defence and the Serbian Army there are 18.05% women out of the total number of employees and only 0.6% uniformed personnel – 15 commissioned officers, 29 non-commissioned officers and 127 professional soldiers (Popović, 2008:146). The duties performed by uniformed women are mostly administrative, jobs in medical care, logistics and telecommunications, military police, etc. (Gordić i Potkonjak- Lukić, 2006:177). This is one of the reasons for which the women in peacekeeping missions are engaged only in the medical teams²² as nurses, but not in the military monitoring missions²³ in which the officers of the Serbian Army are involved. Traditionally the military profession is seen as a man’s job, therefore the army is the institution which is much closed for women²⁴ and the stereotypes on the roles and duties in the army which are "acceptable" for women because of their psychological and physical inferiority are still very much present.²⁵ Finally, we should add that there are no provisions in the Law on involvement of the Serbian forces in multinational operations²⁶, which was adopted at the end of October 2009, and which refer to specialized training for the members of the peacekeeping operations for specific women’s and children’s needs in conflict situations, which is one of the recommendations of the Resolution 1325. Furthermore, in the section of the Law which refers to the criteria and method of selection of peacekeeping missions members (Article 14, item 2), it is stipulated that the “criteria for selection and the method of certificate issuing are defined by the responsible Minister”, but it is not mentioned anywhere that gender equality should be taken into consideration during the selection. It remains to be seen how (if at all) the adoption of the National Action Plan for Implementation of the UNSC Resolution 1325 in Serbia will influence the awareness on importance of consideration of the gender perspective and increased involvement of women in peacekeeping operations in which the representatives of the Serbian Ministry of Interior and Ministry of Defence are involved.

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²² Missions in Liberia and Côte D'Ivoire.

²³ Missions in Congo, Chad and Central African Republic.

²⁴ The first generation of girls enrolled at the Military Academy in 2007/2008 academic year, so the first class of educated commissioned officers can be expected in 2011.

²⁵ For more on this see: Šaranović, J. (2006) *Žena u odbrani - od tradicionalnog do savremenog. [Woman in Defence- from traditional to contemporary]*. Beograd: Vojnoizdavački zavod, p. 75-80.

²⁶ The Law on Use of Serbian Army and Other Defence Forces in Multinational Operations outside Serbian borders. The original text of the Law is available at: <http://www.ccmr-bg.org/Zakoni/3561/Zakon+o+upotrebi+Vojske+Srbije+i+drugih+snaga+odbrane+u+multinacionalnim+operacijama+van+granica+Republike+Srbije.shtml>

Conclusion

Participation of women in peacekeeping operations is less and less discussed as an issue of gender equality and equal opportunities, and more as a condition for reaching full operational capacity and effectiveness of the peacekeeping operations. Advantages of the women's participation in peacekeeping operations are numerous, and this is at the same time one of the preconditions for establishment of sustainable peace and stability in the conflict zones. Although certain progress has been seen in the past ten years, the turning point in women's involvement in peacekeeping operations, which should have been instigated by adoption of the Resolution 1325, has not been reached yet. Unfortunately, it turned out that the expectations were too high, so in the past ten years the number of women who participate in the peacekeeping operations has not increased significantly, nor do the all UN member states who contribute to the missions implement the training to improve gender sensitivity among the UN missions staff members. Therefore the UN should promote the involvement of women in peacekeeping operations more, emphasizing the contribution and necessity for women's participations, which would motivate a larger number of women to participate in peacekeeping operations. At the same time the states should work on continuous affirmation of gender equality, thus creating the conditions for true equality and equal opportunities for women and men.

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Humanitarian interventions in the concept of human security

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Category: Review article

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Abstract

In this paper, the author will try to explain the interrelation between human security and humanitarian interventions, primarily through the prism of the approach called "Responsibility to Protect" (hereinafter: R2P) and the United Nations practices. By examining this approach we will try to give answer to the question whether it is supported by the applicable law and does it have a practical value, namely whether the states and the international community (embodied in the Organisation of United Nations) can be expected to follow the R2P approach, or what could be the implications for the sovereignty of states if that approach became common practice. Some of the issues to which we will attempt to give answers are the following: can we, in order to achieve human security, compromise the state security? And, does a state, by widespread and grave violation of fundamental human rights, lose right to sovereignty?

Key words: interventions, responsibility, human security, United Nations;

The concept of human security

"The idea of human security, though simple, is likely to revolutionize society in the 21s century"¹

This thought, expressed in the Human Development Report 1994, clearly reflects the aspiration of the United Nations to approach the security issues from a perspective that is different than before. The traditional definition of security, according to

¹United Nations Development Programme, *Human Development Report 1994*, New York, Oxford University Press, chapter 14, p 22;



which the state was the reference object of security studies, proved to be too narrow for present circumstances. By the development of the criticising theories of security – or “alternative approaches to international theory”, as they are called by Smith and Baylis (Baylis and Smith, 2003: 271), making the social groups and individuals the reference object for reflecting on security, the opportunity arose for the man to become the axis and primary object of security. This is exactly the goal of the human security concept. In the above Report, the man as an individual is placed at the very centre of the theoretical debate about security. According to the United Nations Development Programme from which the Human Development Report derived, human security has two main aspects. Firstly, inherent to it is security from chronic threats such as hunger, disease, and repression. And, secondly, it means protection from sudden and hurtful disruptions to the patterns of daily life – whether in home, in jobs, or in community. Such threats can exist at all levels of national income and development (Human Development Report, 1994: 23).

Human security and similar concepts

In order to get a clearer understanding of this entire movement that placed a man in the focus of its studies, we will try to provide an insight into some similar concepts developed before or at the time of the publication of the Human Development Report which we consider to be a zero point of the human security concept as a theoretical approach.

In the beginning of the 20th century, or, more precisely, in 1991, Ken Booth, the representative of the so-called Welsh School of security studies, presented the emancipation theory. As he underlined in his influential column in the “Review of International Studies” magazine, emancipation is, theoretically, security. Emancipation is the liberation of people (individuals and groups) from physical and human force, together with poverty, poor education, political oppression, etc. Security and emancipation are two sides of the same coin. Emancipation produces security (Booth, 1991: 319). In order to get a better understanding of the similarity between the concept of emancipation and that of human security, we include here a definition of security as given by Ken Booth: “Security in world politics is an instrumental value that enables people(s) some opportunity to choose how to live” (Booth,

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2005:23). Looking at this Booth's definition, we can make a clear comparison with the concept of structural violence as developed by Johan Galtung, the renowned Norwegian researcher of peace. According to him, structural violence is present "whenever human beings are under such influence that their somatic and mental affirmation is below the level enabling their fulfilment" (Simić, 1993:73).

When the concepts of human security, emancipation, and structural violence are put side by side, it can be noted that the man (people) is the central point of contemplation for all three of them. This is exactly what sets apart these theories from a multitude of, mostly state-centric, views on security. Actually, if we take a closer look, we can notice that, in addition to making the individual central as the reference object of security, these three approaches see the state as one of main sources of insecurity; namely, they consider it a part of the problem rather than a part of the solution. The reason for this is that it is self-understandable that only the state can be considered responsible to ensure that individuals have a peaceful and safe life, the life free of starvation and poverty, the life free of violence and infringement of fundamental human rights, the life that will enable the individuals to fulfil their potential.

Here below we will see that answer to this question is of highest importance since the inability of some states to provide the above conditions, either directly or indirectly, justifies the disturbance of the internationally/legally guaranteed sovereignty of the state.

Humanitarian interventions - human security vs. state sovereignty

Humanitarian intervention is "the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending *widespread and violations of the fundamental human rights of individuals* other than its own citizens, without the permission of the state within whose territory force is applied." (Holzgrefe, 2003:18, italicised by the author of this paper). From the international-legal point of view, such act is not supported in any internationally recognised document. The United Nations Charter itself says in Article 2, Point 4: "Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of



any State..." Looking from this perspective, any intervention at the expense of the sovereignty of a state can be deemed to be illegal. And now we come to a key issue of our discussion. Does a state, by widespread and grave violation of fundamental human rights lose its right to sovereignty? This is a position taken by liberals, maybe best expressed in the well-known Piter Singer's analogy in which the dilemma whether humanitarian aid should be provided is compared to the dilemma whether an unknown child who is drowning should be helped, when a helper is not putting himself in any danger by doing so (Vujačić, Čupić i Vranić (ur.), 2009: 244). By adoption of the Universal Declaration of Human Rights, the individuals are provided international-legal protection. However, the sovereignty issue remains. Many authors underline that the sovereignty of a state is not absolute, but rather relative; namely, once it was seen from the perspective of the ruler and today it is seen from the perspective of the people – thus, we can speak about the sovereignty of people and not of a state. As seen from this perspective, humanitarian intervention would be legitimate if the government of a state flagrantly violated human rights through genocide or ethnic cleansing. This is in focus of the "Responsibility to Protect" approach which will be discussed more extensively below. Since the goal of this paper is not a theoretical debate about humanitarian intervention, but rather about the relation between such interventions and the concept of human security, we will try to convey our opinion about the said relation. As it was mentioned above, human security is a concept produced under the United Nations. We are talking about the same those United Nations whose Charter is imbued with the protection of the sovereignty of Member States, and which, by developing the human security concept, are (in)directly attempting to give the human security primacy over the state security. Our opinion is that this relation can be best seen in the answer to the question: can we, in order to ensure human security, compromise state security?

The concept of human security is often seen as incoherent and theoretically incomplete, considering that the extension of the security concept beyond the traditional reference objects and threats undermines the analytical precision. Human security is inseparable from the state. As we have already said, human security means the security of such chronic threats as the hunger, disease, and repression. And while international community can resort to already clearly regulated channels (Red Cross, Red Crescent, etc) to help an individual state combat starvation and

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disease, the same is not true for the repression. First the question is asked about what is the repression. Even if we take the broadest definition, the one favouring the perception of repression as a situation where a state prevents its citizens from enjoying all human rights, we are no closer to the answer. As long as these repressive practices cannot be considered to be a threat to international peace and security, the hands of international community are tied in many aspects. If economic sanctions are introduced against such a state (which is an action frequently taken), the question is whether, by taking such action, we have only further aggravated the distortion of human security, considering that, indirectly, our action can produce starvation in the state concerned. Therefore, all that international community, outside the Security Council, can do to influence the promotion of human security, is to send humanitarian aid or to exert strong political pressure on the state concerned.

Responsibility to protect

Only in the precisely specified situations can the international community apply specific measures, including the intervention, so as to remedy a situation in a state to a satisfactory level. These situations are specified in Chapter VII of the UN Charter. This Chapter legalises intervention. Legality, however, is not equal to legitimacy; namely, it is incomparably more difficult to ensure legality than legitimacy of intervention. It is exactly on the basis of legitimacy that theories are being developed with which an attempt is made to widen the range of the events in which humanitarian intervention is allowed. One of these theories, or, more precisely, approaches, is "Responsibility to Protect" (known as R2P). Here follows a short description of the history of this approach and main ideas arising from it.

In the end of 1990s, Kofi Annan, UN Secretary-General at the time, tried to find a way out of the conceptual cul-de-sac which was at the core of the debate over sovereignty and intervention, by claiming that there are two types of sovereignty, and not only one. State sovereignty must be balanced with individual sovereignty. According to him, state sovereignty was redefined. States are nowadays seen as the instruments to secure benefit for their citizens, and not vice versa. At the same time, individual sovereignty – meaning fundamental freedom of every individual, guaranteed by the UN Charter and subsequent international treaties – has


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been improved by the renewed and widespread awareness about the importance of human rights. As Annan underlined, when we are reading the UN Charter today, we are more than ever aware that it was designed to protect individual human beings, not to protect those who abuse them (Annan, 1999: 49-50).

It is exactly based on these words, as well as on Kofi Annan's speech at the so-called Millennium Session of the UN General Assembly, that the Canadian Government, at the initiative of Mr. Lloyd Axworthy, Minister of Foreign Affairs, set up an international commission with a task to handle a wide range of legal, ethical, operational, and political issues, launched in the debate, to consult a widest possible community of experts from all parts of the world, and deliver a report to help the UN Secretary-General and other stakeholders find a common language in this regard. The International Commission on Intervention and State Sovereignty was officially established in September 2000 and, after only slightly over a year, in December 2001, it published a report entitled "Responsibility to Protect". The Commission was co-chaired by Mr. Gareth Evans, former Canadian Minister of Foreign Affairs, and Mr. Mohamed Sahnoun, an influential and highly esteemed Algerian diplomat.

As it is said in the Report, any new approach to intervention on the grounds of human protection needs to meet at least four basic objectives:

- to establish clearer rules, procedures and criteria for determining whether, when and how to intervene;
- to establish the legitimacy of military intervention when necessary and after all other approaches have failed;
- to ensure that military intervention, when it occurs, is carried out only for the purposes proposed, is effective, and is undertaken with proper concern to minimize the human costs and institutional damage that will result; and
- to help eliminate, where possible, the causes of conflict while enhancing the prospects for durable and sustainable peace. (ICISS, 2001:11)

As it is mentioned throughout the document, the intention behind this Report is to completely change the view on interventions; or, more precisely, to shift the focus from the "right to intervene" to the "responsibility to protect". It can be said that the main idea behind this entire endeavour is to force the states to create for their citizens an environment in which they would live freely, to ensure their citizens a peaceful and secure life, to protect

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them against infringement of their human rights, and, should the states fail to do so, the international community can take on the responsibility to protect their citizens.²

The Report is based on two key principles which revolutionise perception of the relation between sovereignty and human security, or human rights as an inseparable part of human security. These principles are:

1. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
2. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and *the state in question is unwilling or unable to halt or avert it*, the principle of non-intervention yields to the international responsibility to protect. (Evans, 2008:40, italicised by the author of this paper)

We believe that no equals sign can be placed between the unwillingness of a state and its inability; namely, they cannot be seen as equal grounds for external (international) intervention. Simply, these are two essentially different situations. In our opinion, when a state clearly makes effort to end the situation in which its citizens suffer, and such efforts are to no avail, this does not give us a right to intervene but only to, as the international community, offer help to such a state. Without a permission of the state concerned, no (military) action should be taken in the situations like these. In most cases, the state will accept help, whether of humanitarian, diplomatic or other (non-military) nature. In the event of grave internal conflicts (mentioned as an illustration in the second principle; see above), international community may offer to act as an intermediary between the conflicting parties. Then again, here we enter the territory of international law considering that there arises a question of being recognised as a party to the conflict; we shall therefore not proceed in this direction. And so, with regard to the situation in which a state attempts to end a situation threatening the life of its population, our position is clear – no intervention (that compromises territorial integrity) should be undertaken.

Let's see what actions the international community can take against a state. The Report mentions military, economic and political (diplomatic) action. Since military intervention, as a form of territorial erosion of state sovereignty, is of greatest interest for us here, we will explain in more detail the requirements which, according to the Report, are to be met for a military intervention

² See more in: MacFarlane S.N.; Khong Y.F.; Human Security and the UN: A Critical History, United Nations Intellectual History Project, Bloomington, Indiana University Press, 2006, pp. 166-181;



to be justifiable. The Report says that military intervention for human protection purposes is justified in two broad sets of circumstances, namely in order to halt or avert:

- large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
- large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape. (Dulić, 2008:261-262)

The Report then describes in detail these two criteria and underlines that these primarily include genocide, war crimes, ethnic cleansing, and crimes against humanity; however, two situations that are new for the mentioned criteria are also mentioned: situations of state collapse and the resultant exposure of the population to mass starvation and/or civil war, and overwhelming natural or environmental catastrophes, where the state concerned is either unwilling or unable to cope, or call for assistance, and significant loss of life is occurring or threatened. (ICISS, 2001:33)

The United Nations and R2P

Very high global impact of the International Commission for Intervention and State Sovereignty Report is evident from the fact that in 2005, on the occasion of marking the 60th anniversary of the United Nations, at the end of the General Assembly session, a document was adopted whose paragraphs 138-140 directly refer to the Report. It is stated in this document that individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. Further on, it is underlined that the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VIII of the UN Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, as it is stated, Member States are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the UN Charter, including Chapter VII, on a case by case basis, in cooperation with

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relevant regional organisations, should peaceful means be inadequate and national authorities manifestly failing to protect their populations against genocide, war crimes, ethnic cleansing, and crimes against humanity (UN General Assembly, 2005, para 138-140). Surely, it should be noted that the decisions of the General Assembly are not legally binding for the states. It should also be noted that the General Assembly drew a conclusion that international community should react in the event of "traditional" international crimes mentioned in the Report, but without mentioning starvation or overwhelming natural or environmental catastrophes as the reasons for intervention. It can be said that these two reasons are the closest to (or most important for) the concept of human security and that the path of least resistance was taken³ so as to ensure that this document is adopted by consensus. In spite of this, as underlined by some authors, this document is a major step forward from the "right to intervene" to the "responsibility to protect". The four mentioned crimes, however, are included in the criminal law of all (or at least by most) states in the world and that they constitute international crimes.⁴ Seen from this perspective, therefore, this is nothing new. Moreover, committing of these crimes can be considered a threat to international peace and security and the Council of Security may consequently use the mechanisms that are already in place, in accordance with the UN Charter. Besides, it is necessary to stress that international community may react only through the Council of Security and exclusively through the resolution of this body. Only then can an intervention against a sovereign state be deemed legal from the perspective of international law.

³ We suppose that a very heated discussion would ensue among the states were an attempt made to add, in the document, these two reasons for interventions too, since it would mean another step taken into the territory of the debate: sovereignty vs. intervention;

⁴ Crimes against peace, war crimes, and crimes against humanity were clearly classified in Article 6 of the Statute of the International Military Court in Nurnberg were extended by 1949 Geneva Conventions and the Rome Statute of the International Criminal Court (became effective in 2002), and of particular importance for the criminal liability for genocide is the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;

R2P, human security, and the United Nations

"Although the concept of human security was conceived under the United Nations, it turned out that they are not ready to put it into practice"
(United Nations, 2004:para 13)

This quote reflects, in a quite clear manner, the actual state of affairs. It is of particular interest that these words come from the United Nations themselves. Actually, it is very interesting that the concept of human security was, by and large, "born" in the United Nations. The OUN was established in order to solve the problem of



(armed) conflicts between the states; but, as it was already mentioned, present reality is essentially different from the state of affairs in international relations in 1945. The UN Charter was written for "the world situation that was fundamentally different from current trends in the developments of modern life globally" (Đorđević, 2007:205). That is why the attempts to reform the UN are critical for future survival of the organisation as the crucial international forum. Actually, the development of the concept of human security is a means to approach contemporary problems in a modern way. The reason for this is that a man today is increasingly more focused on his own self and less and less on the state. It must be kept in mind, however, that a man still needs the state; that, without a sound and strong state, it would be incomparably more difficult for a man as an individual to face modern security challenges, risks and threats. To sum up this thought, a man needs the state, but a man himself is increasingly more resorting to higher levels, and, when we say higher level, it is quite natural that we think of the United Nations. That is the opportunity for the UN and they try to take it. Let us, however, go back to the thought from the beginning of this section. It was stated that it turned out that the United Nations are not ready to put into practice the concept of human security. In our opinion, main reason for this is the inability or powerlessness of the UN to exert greater influence on the states, or on their foreign-policy practices, but also on the manner in which the states apply the concept of human security within their respective borders.⁵ And it is necessary to stress again that such blemished reputation and diminished influence of the UN on the states is a consequence of the UN's failure to adequately respond in some crisis situations (Ruanda, Srebrenica) in the past. That is why the United Nations have launched the reform process by setting up different bodies with a task to create a more precise framework for taking action with regard to peacekeeping and humanitarian operations (Glušac, 2009:3). Their work resulted in the Brahimi report and, based on it, the United Nations Department of Peacekeeping Operations report known as the "Capstone Doctrine" and the report entitled "Responsibility to Protect" that was already discussed in this paper. Let's now look at the relation between the R2P approach and the concept of human security. It is stated in the report that the meaning and scope of security today is essentially different from that in 1945 and that it defines human security as the "security of people - their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms" (ICISS, 2001:15). Actually, the objective of the

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⁵ It is necessary to note that some states do actively apply the concept of human security in their internal and foreign policies. (e.g. Canada, Norway, or Japan);

Report is to shift the attention to human needs of those asking for protection and help. The emphasis in the security debate shifts, with this focus, from territorial security, and security through armaments, to security through human development with access to food and employment, and to environmental security.

The fundamental components of human security - the security of people against threats to life, health, livelihood, personal safety and human dignity - can be put at risk by external aggression, but also by factors within a country, including "security" forces. As it is stated in the Report, and we agree with it, being wedded still to too narrow a concept of "national security" may be one reason why many governments spend more to protect their citizens against undefined external military attack than to guard them (ICISS, 2001:15).

Final considerations

According to many authors, one of the functions of humanitarian intervention is to achieve the objectives of human security. Example frequently mentioned as an illustration for this is NATO intervention in FR Yugoslavia with the objective of preventing ethnic cleansing in Kosovo. As stressed by Ramesh Thakur, however, it is still very disputable whether this intervention has actually produced more damage than benefit (Thakur, 2002:323-330). A similar opinion is shared by Noam Chomsky who has sharply criticised the war against Yugoslavia, who believes that the bombing campaign only accelerated the flow of refugees from Kosovo (Chomsky, 1999:81). The consequences of bombing campaign include the collateral damage in the form of a multitude of refugees and long-term damage incurred to the economy, which caused a creation of a state which is, in many aspects, dependent on foreign aid. Bearing this in mind, we can hardly say that the goal of human security was reached by this intervention. Hundreds of thousands of displaced person, destroyed infrastructure, broken economy – these are direct consequences of the bombing campaign. If we remind ourselves of seven dimensions of human security as indicated in the Human Development Report, we can draw a conclusion that the bombing campaign has affected almost all of them, and surely not favourably. The 1999 NATO military intervention in FR Yugoslavia has gravely compromised human security. Therefore, even though the goal of an intervention may be to protect human security, if the means used to achieve this goal are the means that adversely affect that same security, then the question should be asked whether we have chosen wrong means.

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The concept of human security has significantly influenced the shift of the perspective of looking at the international interventions. Sovereignty is now deemed to be responsibility and it may easily happen that international community takes human security as an excuse for interfering with what are the internal matters of states. Because of this, let's go back to the issue of the relation between legality and legitimacy. The Independent International Commission for Kosovo, co-chaired by Messrs. Richard Goldstone and Carl Tham, concluded that the 1999 NATO intervention was illegal, but legitimate (Thakur, 2006:215). In our opinion, in the sensitive waters such as international relations, the legality, in the present constellation, must be given primacy over the legitimacy. Failure to observe the international law leaves permanent marks on the entire international community. We admit that this outlook is not the one that is closest to the concept of human security, but we still hold the position that human security should be first protected from the perspective of the state, and only then from the perspective of the international community. Since the entire concept of human security was generated under the auspices of the United Nations, it is only to be expected that this Organisation shall use all resources to enable its implementation. There is no doubt that this is easier said than done but the United Nations is responsible to create the climate conducive for the practical implementation of the idea of human security, to insist that the states apply this approach. A question to be asked at this point is how likely it is that the "Responsibility to Protect" approach will acquire a broader practical value. It was underlined in this paper that our opinion is that the R2P approach is theoretically exceptionally valuable, but that some of the recommendations arising from it do not correspond to the applicable (international) law.

And now we come to the core of the problem. The United Nations must make every effort to restore the reputation they had among the states, they must pursue to reform (or at least to increase effectiveness) of the Council of Security, so that, in the event a state commits large-scale violation of the human rights of its population and disrupts human security, the SC can respond in a proper and timely manner. The UN must become (or remain) the leading global forum for settlement of disputes and maintenance of international peace and security. Otherwise, it may happen that we again witness a situation in which the United Nations is marginalised and that, without clear legality and legitimacy, its role is being taken over by the organisations whose objectives are much narrower (and much more self-interested).

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Terrorism, freedom and security: winning without war

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[Heymann, P. (2003) *Terrorism, freedom and security: winning without war*. Cambridge: The MIT Press.]

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Book review

In his book *Terrorism, freedom and security: winning without war*, Philip Heymann analyses the security situation in the USA after 9/11 terrorist attacks. The author criticises the policy of Bush's administration at that time and offers alternative solutions that would be more efficient in the rebuilding of the lost sense of security among the US citizens.

The book consists of four parts, organised in eight chapters.

In the introductory part, the author analyses the changed situation after the 9/11 attacks. He identifies the new characteristics of threats – the possibility of using the weapons of mass destruction, a high level of organisation of terrorist groups, raising fear among the population, etc. He questions the statements given by Bush's administration, in which this threat was referred to as “war”, not only because of the vagueness of the very term, but also for its military implications. According to Heymann, the key problems are the difficulty of defining the enemy (Al-Caida, states or groups?) and the insufficient use of non-violent methods in combatting terrorism, the intelligence services in particular.

In the second part of the book, the author suggests some practical steps that can be undertaken in order to reduce the threats. He defines a gradual loss of enthusiasm for attacking the USA as a long-term goal, and points out that this can be accomplished particularly by proving that terrorism is the wrong method for gaining wealth, health and dignity. In order to rebuild the sense of security it is necessary to introduce certain restrictions, however, as the author observes, it is impossible to control everybody and violate human rights *en masse*, nor is it possible to forbid access to all potential tar-

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gets. The so-called profiling based on race, gender or age is obviously unethical and this and similar methods could instigate other terrorists and ruin the democratic tradition of the state itself. The most efficient method would be a coordinated work of intelligence services – the CIA, FBI and NSA – as well as setting up the lists of potential terrorists on the basis of suspicious combinations of data. However, the USA cannot carry out the key tasks alone and the cooperation with other states is essential. The USA can influence the states which tolerate or support terrorism by means of threats, though offering potential awards for cooperation is much more efficient.

The third part of the book deals with the price of combatting terrorism. The author stresses the uncertain outcomes that the methods applied by the Bush's administration entail – the apprehension and keeping suspects in remand indefinitely, the rejection of evidence in a traditional sense, the secrecy, the absence of the judiciary control and the reaching of verdicts without a proper court procedure. Along with the shifting of focus on Arab and Muslim countries, as well as the overall limitation of privacy of all US citizens, democratic freedoms are obviously being endangered. Heymann stresses the interrogation under duress as a particularly bad method which represents the violation of the Geneva Convention. As reputation is very important for the USA in order to spread its influence around the world, it is essential that the state itself observes the international law and thus make other countries, international community member-states, cooperate in combatting terrorism. The fact that the USA is currently not on the “most popular country” list only ads to the belief that its use of force can generate a lot of resentment. The author recommends that the USA should pay more attention to human rights and the economic welfare of other nations, as moral leadership is a pre-requisite for the political one.

In the last part of the book, the author warns about the possibility of the establishment of the so-called “intelligence state” that strikes terror in all its citizens. He stresses the need for the improvement of the intelligence services in order to prevent the abuse or the formation of an “intelligence state”. The framework for the intelligence services' activities should be defined, their competencies strictly stipulated by the Constitution and the functioning of domestic services should be kept out of reach of the CIA and the military. Terrorists can be easily defeated without adhering to moral, legal and ethical limitations, but a great price has to be paid on the international level. For this reason, and throughout the book, the author emphasises the importance of preserving the democratic values and expresses his belief that there are solutions which do not affect them


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Since combatting terrorism is not a one-time thing, the continuation of the current practice would make the violation of human rights and freedoms permanent.

The author observes and defines the flaws of the past administration's policy very clearly and offers good and practical recommendations. By giving priority to the law and intelligence services, and not to the use of sheer force and the military, he opposes the mechanisms so far favoured in the US fight against terrorism. Unfortunately, it is quite clear that Heymann's recommendations were not followed, as the USA is still dealing with the problem of inefficient intelligence services while the entire world has become a ground for the general "war" against terrorism to be waged on. This is exactly what diminishes the contribution of the work that was conceived in such way as to give practical and viable solutions. Even though Haymann correctly observes that the establishment of security, that is, the absence of the terrorist attack threats, can be accomplished easily as it is not something as complicated as space science, America has not reached this point yet, despite this and similar books that offer practical solutions to problems. The term "war" is still used although terrorist groups are able to attack but cannot wage wars in the traditional sense of that term. The author best describes such policy when he writes that to a man with a hammer everything looks like a nail, so it is easier for America to use force than to reform the entire legal and political system. The value of this book lies in the fact that it does not attempt to defend the violation of human rights in a hypocritical way, but to offer alternatives that could be equally or even more efficient in the protection against terrorism without violating any human rights. Systematic arrests of foreigners, particularly the Muslims and keeping them in remand for an indefinite period of time without any justifiable reason will definitely bring the USA the respect of the global community, nor will it contribute to an improved security in the country.

The overall conclusion is that what makes the significance of this work relative, given the fact that it is analysed from a different time perspective, is that the same problem exists after eight years, that is, the recommendations presented in the book have not been put to practice. It can be concluded with certainty, and Heymann also emphasises it, is that the USA cannot turn the fight against terrorism into a permanent state of affairs, nor could it divide the whole world into friends and enemies. Whether the new administration will change the previous practices that yielded no results or will continue along the same lines expecting victory in the self-proclaimed "war" – remains yet to be seen.

Instructions for the authors

Western Balkans Security Observer is a magazine established by the academic community of the Belgrade School of Security Studies. The papers that we publish in this magazine deal with regional security issues, but they also focus on national and global security problems. The editors especially encourage papers which question the security transformations from an interdisciplinary perspective and which combine different theoretical starting points. A special column is dedicated to reviews of the newest sources from the fields of security studies, political sciences, international relations and other related scientific disciplines.

When writing the papers, the following criteria must be observed:

- Desirable text length: from 1.500 to 3.000 words
- Font: Times New Roman, spacing: 1,5
- The article should include the following:
 1. Title page that contains the title of the paper, first and last name(s) of the author(s), name of the institution(s) where the author(s) is/are employed, occupation, address and telephone number for the purpose of possible contact. Below the title of the paper, first and last name of the author should be written (and optionally his/her title), name of the institution where the author is employed and its address. The summary should be up to 120 words long and in it the author should point out the most important hypothesis on which the paper is based. Below the summary, the author should specify 4-5 key words.
 2. The text should be prepared in accordance with the following technical instructions:
 - 2.1 Use the Harvard citation system. At the end of the citation write the last name of the author, year of publication and the page number in brackets. Example: (Pichel, 1994: 28).
 - 2.2 In the footnotes, write only the accompanying comments.
 - 2.3 Leave the original spelling of foreign names.
 3. All used sources should be cited in the paper and stated as Bibliography at the end of the text in the Harvard style and in accordance with the instructions given here:



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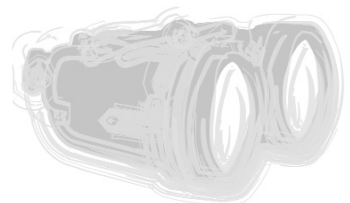
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