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Special Emphasis is Placed Upon the

Challenges in Sudan“

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TABLE OF CONTENTS

CURRICULUM VITAE	3
ACKNOWLEDGEMENTS	4
TABLE OF CONTENTS.....	5
GLOSSARY/LIST OF ABBREVIATIONS	7
LIST OF GRAPHS, MAPS AND TABLES.....	10
1 INTRODUCTION.....	11
1.1 Research Question	14
1.2 Methodology.....	15
1.3 Structure.....	17
PART I: A SHORT INTRODUCTION TO THE TERMINOLOGY	20
2.1 Conflict, Violence and Peace by Johan Galtung	20
2.2 Conflict Management, Conflict Resolution and Conflict Transformation.....	26
2.2.1 Conflict Prevention, Peacemaking, Peace Enforcement, Peacekeeping, Peacebuilding	27
2.2.2 Conflict Cycle and Intensity.....	34
2.3 The Concept of Security and the Monopoly of Legitimate Force.....	41
2.4 From Fragile to Collapsed States.....	44
PART II: THE UNITED NATIONS.....	53
3.1 A Brief Introduction to the United Nations History	53
3.2 The Dimension of International Peace Operations – the United Nations Blue Helmets as Conflict Management Tool	60
3.2.1 The Rise of United Nations Peace Operations	60
3.2.2 Restructuring United Nations Conflict Management – Trendsetting Reports and Major Reforms of United Nations Operations.....	77
3.2.3 Procedures for the Formation of a new United Nations Operations.....	87
3.3 The Responsibility to Protect (R2).....	93
3.3.1 The Origin of R2P	93

3.3.2 The Emergence of R2P	100
PART III: CASE STUDY SUDAN	110
4.1 Sudan's History. A Brief Summary.....	110
4.1.1 Sudan's Civil Wars	112
4.1.2 Sudan after the 2011 Independence of the South.....	130
4.2 United Nations Interventions.....	137
4.2.1 Scope and Definition	137
4.2.2 Defining Success	143
4.2.3 A Short and Broad Overview of Successes and Failure of United Nations Peacekeeping Operations in Africa.....	150
4.2.4 UNMIS: United Nations Mission in Sudan (2005-2011).....	153
4.2.5 UNAMID: African Union-United Nations Hybrid Operation in Darfur (July 2007-to date)	162
4.2.6 UNISAF: United Nations Organization Interim Security Force for Abyei (June 2011-to date).....	174
4.2.7 UNMISS: United Nations Mission in South Sudan (July 2011-to date) ...	177
5 CONCLUSIONS AND IMPLICATIONS	184
6 REFERENCES	190
6.1 Books and Papers	190
6.2 Internet Resources	202
6.3 United Nations Documents	214
6.4 Source of Graphs, Maps and Tables	220
6.5 Others.....	222
7 ATTACHMENTS	223
7.1 Abstract (English)	223
7.2 Abstract (German)	224

GLOSSARY/ LIST OF ABBREVIATIONS

Abyei Protocol	Protocol on “The Resolution of Abyei Conflict” signed by the Parties on 26 May 2004
Abyei Referendum	A referendum that was supposed to be held among the residents of Abyei (simultaneously with the referendum of Southern Sudan) allowing them to vote on whether Abyei shall retain its special administrative status in the north or become part of Bahr el Ghazal; but the referendum was postponed. In October 2013, an informal and non-binding vote was held.
Abyei Road Map	Road Map for the Return of IDPs and Implementation of Abyei Protocol signed by the Parties on 8 June 2008
AMIS	African Union Mission in Sudan
Anglo-Egyptian Condominium	Joint British and Egyptian government of the Sudan (1899-1956)
Arbitration Agreement	Arbitration Agreement between the GoS and the SPLM/A on delimiting the Abyei Area signed on 7 July 2008
AU	African Union
Bahr el Ghazal	River that runs through the Upper Nile Province
DDPD	Doha Document for Peace in Darfur, it was finalized at the All Darfur Stakeholder Conference in Doha, Qatar, in May 2011
Upper Nile Province	Province of the Sudan bordering the southwest corner of Kordofan
CPA	Comprehensive Peace Agreement signed by the conflict Parties on 9 January 2005
Dar	Arabic word for homeland or tribal region

Darfur	Province of the Sudan bordering the west of Kordofan
Dinka	A collection of tribes of Nilotic origin including, inter alia, the Ngok, the Rueng and the Twic
DLF	Darfur Liberation Front
DPA	Darfur Peace Agreement signed on 5 May 2006
DPKO	Department for Peacekeeping Operations
DRC	Democratic Republic of the Congo
FAO	Food and Agriculture Organization
GoS	Government of the Sudan
GOSS	Government of South Sudan
ICISS	International Commission on Intervention and State Sovereignty
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development, Regional African organization comprised by the seven countries in the Horn of Africa (Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda & Eritrea)
JEM	Justice and Equality Movement
Khartoum	Capital of the Republic of the Sudan
Kordofan	Western Province of the Sudan bordering Darfur in the west, Bahr el Ghazal in the southwest and Upper Nile in the southeast
LRA	Lord Resistance Army, a rebell army especially operating in the North of Uganda
Misseriya	Nomadic tribe of Baggara Arabs
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo, established by the UN Security Council on 30 November 1999
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; MONUC was renamed by the UN Security Council on 1 July 2010 in MONUSCO.

NCP	National Congress Party
NIF	National Islamic Front
Nine Ngok Dinka Chiefdoms	Abyior, Achaak, Achueng, Alei, Anyiel, Bongo, Diil, Manyuar, Mareng
Nuer	A nilotic tribe
PKO	Peacekeeping Operations
Rizeigat	Baggara tribe located mostly in the Province of Darfur
ROSS	The Republic of South Sudan
R2P/ RtoP	Responsibility to Protect
SLM/A	The Sudan Liberation Movement/ Army led by Mini Minawi, initially the Darfur Liberation Front. The SLA operated only in Darfur
SPLM/A	The Sudan People's Liberation Movement/Army
Turkiyya	period of Turkish-Egyptian rule of the Sudan (1821-1881)
UN	United Nations
UNCT	United Nations Country Team
UNAMID	United Nations/ African Union Hybrid operation in Darfur established in 2007
UNICEF	United Nations International Childrens Emergency Fund
UNISAF	The UN Security Council established in 2011 the United Nations Interim Security Force for Abyei.
UN OCHA	The United Nations Office on the Coordination of Humanitarian Affairs
UNMIS	United Nations Mission in Sudan established in 2005 and finalized in 2011
UNMISS	The UN Security Council establish on 9 July 2011, the United Nations Mission in the Republic of South Sudan for an initial period of one year.
Upper Nile	Province of Sudan bordering Kordofan in the east and the southeast

LIST OF GRAPHS, MAPS AND TABLES

Maps

4.1.1: The Sudan	p. 111
4.1.2.1.1: The Republic of the Sudan	p. 130
4.1.2.1.2: Sudan's oil fields	p. 132
4.1.2.2.1: South Sudan	p. 134

Graphs

2.1.1: The Conflict Model by Johan Galtung	p. 21
2.1.2: Relating the Two Triangles	p. 22
2.2.1.1: UN Conflict Management Activities for Peace and Security	p. 30
2.2.2.1: Levels of Conflict Intensity	p. 35
2.2.2.2: The Conflict Cycle	p. 36
2.2.2.3: A Conflict Management Timeline	p. 39
2.4.1: Past United Nations Operations in Africa	p. 48
2.4.2: Ongoing United Nations Operations in Africa	p. 49
2.4.3: Fragility in the World 2016	p. 50
3.2.1.1: The Change of United Nations Peacekeeping Operations	p. 69
3.2.3.1: Authority, Command and Control in multidimensional United Nations Peacekeeping Operations	p. 91
4.2.1.1: Where Peace Enforcement ends and Peacekeeping starts	p. 141
4.2.3.1: Comparison of United Nations Peacekeeping Operations	p. 152
4.2.4.1: UNMIS - Fulfillment of the defined Success Criteria	p. 160

Tables

3.2.1.1: The Growth of United Nations Peacekeeping Operations	p. 67
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1 INTRODUCTION

During my master studies in Political Science I already specialized in International Politics. In my PhD thesis, I am following my interest in international politics by focusing on the conflict management of the international community carried out by the United Nations. In my thesis on the case study of the Sudan, I am analyzing the successes and failures of UN conflict management when using the blue helmets as its tool.

The Sudan is a current example of how inert decisions in past events and various national and international interests are effecting today's decisions. On one hand, the analysis of current events in the Sudan, including both its root causes as well as the reactions of the international community to them, shows a country's undertaken efforts to deal with its presence as well as with its past. On the other hand, it illustrates the global responsibility to support both these efforts as well as the difficulties to do so.

The United Nations evolved by the middle of the nineteenth century when the world leaders realized and finally established an international organization after the Second World War that should serve as an internationally accepted instrument to not only peacefully settle a crisis, but also to prevent – and if needed – manage it. By founding the United Nations as new peace framework, an important step was taken to contribute to a more stable international system. Nevertheless, the international community needed to accept that a theoretical and diplomatic approach alone was not enough to provide world peace and international security.

Due to the emergence of new dynamics of conflict – for example because of an increase of different actors playing a prominent role in conflicts and wars – the United Nations needed to rearrange and enhance the various instruments at its hand. Emphasis was also given to the prevention of conflicts, which resulted in the establishment of the trend-setting blue helmets established by UN Secretary General Dag Hammarskjöld in November 1956 in order to address the Suez Crisis.

These so-called first-generation peacekeeping operation – since the UN Charter did not contain any provision for using an impartial and armed UN operation – clearly show the ability of the United Nations to constantly adapt to new challenges. This again still gives this international organization the necessary relevance within the international community to fulfil its primary purpose: the protection of world peace as well as international security. Serving as operational face of the United Nations, Peace Operations provided new opportunities in the management of conflicts around the world and therewith called for an adaption and evolvement of its system as a whole. The international community realized that the key of a stable world order lies in the security of the world citizens. Security was traditionally understood as a solely physical concept whereby the people of a country were protected against physical violence caused by other states' intervention.

Today, an extended concept of security is in place that not only includes the military, but inter alia also economic, social and political aspects. In order to ensure the security of the people around the world, the nation state first and foremost has the primary responsibility for its citizens and is also accountable if the necessary conditions for security are not provided. To achieve this, the world citizens give their nation state the monopoly on the legitimate use of force. The state monopoly over the use of force needs to be recognized within the nation state's legitimate territorial borders and serves a prerequisite for the rule of law for a democratic constitutional state. Recognizing this monopoly not only characterizes a state the way we know today but is also an important guarantor for peace and order in society.

However, what happens if a nation state is not able to provide security for its people or even misuses its privilege by being the aggressor itself? By setting up the rather new concept of the Responsibility to Protect (R2P), the international community agreed that in such situations it is the community's responsibility to act in order to provide the security the affected nation state is not able or willing to offer. The concept of security receives an intergovernmental dimension; in such case, the security concept should guarantee the security of all nation states involved.

Based on the case study the Sudan, the United Nations' abilities in conflict management as the operational face of peacekeeping operations is going to be analyzed in the thesis at hand.

The Sudan seems to be the perfect candidate for such an analysis since it is the first country the United Nations deployed more than one peace operation at once to. Moreover, it is not only a country with a long-standing history of war that was caused by numerous factors, but also geographically embedded in a highly fragile environment. Special attention is given to the period of the Anglo-Egyptian condominium. This period marks the beginning of western intervention and displays the responsibility for the international community that evolved through foreign intervention. Although it is clearly not the author's aim to release local politicians from their responsibilities for conflict, it also needs to be pointed out that also international interests triggered existing disputes.

In this light, an analysis of the UN conflict management success and failures exercised by diverse peacekeeping operations in the Sudan seemed to combine different aspects. First, the UN system's ability to adapt to new situations by installing the first hybrid-operation in cooperation with the African Union was tested in the Sudan. Second, a comparison of the effectiveness of United Nations' peacekeeping operations focusing on Africa could be made by using already defined success factors that had previously been tested by other scholars. Applying those factors on the case study¹ provided the opportunity to compare it with formerly concluded UN operations that were broadly analyzed in the already existing literature. Having the advantage of still ongoing UN peacekeeping operations in the Republic of the Sudan and the Republic of South Sudan, a comparison of the closed and ongoing operations could be made; thus, offering the opportunity to point out the evolving process of conflict management. Finally, the attempt to answer the question of the success caused by the United Nations' conflict management is given alongside a daring outlook on the future of the Sudan and South Sudan.

¹ The Republic of the Sudan and the Republic of South Sudan are included in this case study.

1.1 Research Question

During my master studies in Political Science I already specialized in International Politics. In my PhD thesis, I am following my interest in international politics by focusing on the conflict management of the international community carried out by the United Nations. In my thesis on the case study of the Sudan, I am analyzing the successes and failures of UN conflict management when using the blue helmets as its tool.

Since the end of the Cold War, the world has increasingly been witnessed a change of conflict. Not only are conflicts more and more often carried out within (internal, intrastate) states than between states (interstate), but the origins of conflict have changed as well, whereby the civilian population is increasingly involved in the conflict.

The United Nations has therefore developed its conflict management tools to be able to effectively react to these new developments. It has sent its peacekeepers to diverse conflict zones around the world to keep peace in the affected area or region, to prevent a possible spread of the conflict and therewith to protect the world peace. But how successful is the United Nations' conflict management and – in particular – are its peacekeeping operations a success? In fact, what are the factors that enable the United Nations to bring some operations to a successful end? What are the necessary conditions that make a successful operation more likely and why are others bound to be a failure? How do the interests of other states in the affected country influence UN conflict management?

These questions that motivated the thesis at hand, are covered in the case study of the Sudan.

1.2 Methodology

The methods of research for this thesis are twofold. In order to get a deeper insight into as well as a better understanding of the United Nations and the Sudan itself they are first based on the collection of information by researching primary as well as secondary data. As regards the United Nations, the history and structure as well as most guiding documents for United Nations' operations as its conflict management tool were analyzed. As far as the Sudan is concerned, its history up to the path-breaking referendum which divided the Sudan into two, its international relations, economic basis, and efforts towards peace were of interest.

The theory of Johan Galtung seemed to be the most appropriate to analyze the causes and mechanism of conflict, violence and peace.

Second, qualitative research was done by interviewing diplomats and high ranking United Nations' personnel. Those interviews further strengthened the understanding of different views and options and provided insight into political processes.

The case study of the Sudan is used to analyze the success and failure of UN conflict management. In fact, the United Nations has deployed four operations for the Sudan², out of which only one is finalized (UNMIS) due to the division in North³ and South⁴ but was pursued in another operation (UNMISS). Even though three out of four operations are still ongoing, certain conclusions can already be drawn upon the success of these UN operations.

Pushkina's definition of success (2006) that is based on Bratt's criteria (1999) is used in this study. As a comprehensive comparison of the operations conducted by the United Nations in Africa with their successes and failures are beyond the scope of this study, Pushkina and Bratt's analysis are used and applied on the finalized UN operation in Sudan (UNMIS) in order to provide a continuous analysis of finalized UN operations in Africa.

² Given the fact that the history of the Sudan as one country is far longer than its history after separation in 2011, hereinafter the North and the South are included when talking about „the Sudan“. When specifically, the Republic of the Sudan or the Republic of South Sudan is meant, the same indications or the terms North and/or South are being used.

³ The Republic of the Sudan

⁴ The Republic of South Sudan

Subsequently, the same method is applied upon the three ongoing operations in the Sudan to provide preliminary results on the success of UN conflict management in the country. In doing so, the critical realist's approach is applied in this thesis by arguing that the "selfishness of great powers cannot be isolated as the only 'historically proven variable' causing the UN's failure"⁵. Instead, this thesis argues, "that there were also other factors underlying the disaster"⁶.

Note to the reader:

For the sake of unambiguousness, the South and the North (both with capital letters) are always used in reference to the respective regions in the Sudan and do not refer to compass directions.

⁵ Piiparinen, 2010, p. 27 f.

⁶ Piiparinen, 2010, p. 28

1.3 Structure

The structure of the thesis is based on the idea that after an introduction to the terminology and basic theory (Part I), the emergence of the United Nations as a concept for worldwide peace (Part II) and its evolving nature can be better understood as a necessary prerequisite for a comprehensive answer to conflicts around the world and in particular in Africa. With its three UN and one hybrid AU/UN operation, the Sudan serves as case study for the United Nations' effort in solving long-lasting and comprehensive conflicts. The capability for successful United Nations' conflict management is tested in this case study as well.

The first part of this PhD thesis provides a short introduction to the terminology used herein whereby an introduction to the theoretical approach of conflict, violence and peace is provided according to Johan Galtung's theory. The first part focuses on the theoretical approach as regards conflict management as well as its distance from conflict resolution and conflict transformation.

Whenever peacekeeping operations are installed, conflict had already escalated, violence had become routine and the prevention of violent conflict had failed. As shown in Part I: *A Short Introduction to the Terminology*, higher levels of violence call for more robust forms of action. These different forms of action can result in a United Nations' peace operation. Thereby, the operation can fulfil an observer mission (conflict prevention) as well as a peacekeeping, peacemaking, peace enforcing or peacebuilding operation. Since the introduction of the United Nations' blue helmets, UN peace operations have become the operational face of the United Nations in the field of international peace and security. In order to get a better understanding of the term 'conflict management' as regards the United Nations, an introduction to the various above-mentioned UN operations is given, thus including how they relate to and differ from each other. This has been of special importance, since its boundaries have been increasingly blurred.

The concept of security as well as the monopoly of legitimate force are not only essential components as regards the definition of modern state but also as far as the application of United Nations conflict management are concerned.

Since the state involved usually gives its permission for the application of a UN peace operation (unless peace enforcement operations are concerned), the existence of a nation state that is in charge of the security of its own people is necessary. When introducing the terms fragile, failed and collapsed states, it occurs that the African continent especially attracts fragility related to its nation states. Thereby the question at hand is: how can United Nations' conflict management be successful on a continent that hosts the highest number of fragile, failed and even collapsed states? The answer to this question is to be found in Part II and Part III of this manuscript.

Part II not only provides the reader with an introduction to the origin of the United Nations but even goes far deeper by reconstructing the occurrence and evolvement of the United Nations' blue helmets as the operational face of UN conflict management by analyzing the relevant official UN documents. When focusing on peacekeeping, the emergence and development of peacekeeping as a conflict management mechanism is examined as being based on the three phases commonly known as first-, second- and third-generation peacekeeping operations. Since peacekeeping and peace enforcement are – in practice – strongly interlinked, special emphasis is also given on United Nations' peace enforcement operations.

In the light of the changes regarding the way conflict and war are carried out – e.g. more interstate than intrastate wars, the increase in targeting civilians in warzones or the increase of warlords as main parties to the conflict – the way in which peacekeeping was reformed and adapted in order to appropriately tackle these new challenges United Nations' peacekeeping was and still is facing is taken into consideration as well.

In 2004, US Secretary of State, Colin Powell, used the term “genocide” to describe the situation in Darfur (Sudan). This technical term refers to “the Responsibility to Protect”. Here, the focus lies on the challenges as well as difficulties of the implementation of the R2P concept, the threat of its use by big power and the question of who is able to decide whether there should be an international reaction to the four crimes embedded in the R2P and – if so – in what way. The concept of the Responsibility to Protect is a rather new effort of the international community to secure worldwide peace and security. Accordingly, the correlation between R2P and state sovereignty is of importance for this research.

Part III first provides an introduction to the history of the Sudan that plays a decisive role in the current challenges. Based thereon, the underlying root causes for conflict and instability in the Sudan as well as the interests of different players in the region appear more evident. In addition, an introduction to the varying peace agreements and current developments is offered as well.

By trying to offer an answer as regards the effectiveness of United Nations' conflict management, the four operations in the Sudan (UNMIS, UNAMID, UNISAF and UNMISS) are analyzed according to the afore defined success criteria. Hereby the challenges that United Nations' operations (and in this regard especially UN peacekeeping operations) face is analyzed.

Last but not least, the Sudan's chances and challenges as well as the potential and shortcomings of UN conflict management are discussed, while an analysis of possible future scenarios will conclude this thesis.

PART I: A SHORT INTRODUCTION TO THE TERMINOLOGY

2.1 Conflict, Violence and Peace by Johan Galtung

In this thesis, a conflict is understood as the pursuit of incompatible goals of different actors.⁷ This definition of conflict by Galtung suggests a broader period of time and a broader classification of struggle than armed conflict.⁸ The term ‘armed conflict’

“is a narrower category denoting a conflict where parties on both sides resort to the use of force. It is notoriously difficult to define, since it can encompass a continuum of situations ranging from a military overflight or an attack on a civilian by a single soldier to an all-out war with massive casualties.”⁹

According to Galtung, the term ‘conflict’ does not imply the use of violence or it suggests that a conflict can only be categorized as such when violence occurs. In general, conflicts are not necessarily considered as destructive but are inevitable for social change and an implication of social life together.¹⁰ In fact, violence and conflict are deeply inter-connected but they do not entail one another. Therefore, on the one hand, a conflict can occur between states or groups of actors in the form of war. On the other hand, it can also appear at the lowest inter-personal level. In essence, Galtung’s model of conflict that was proposed in the late 1960s involves

- a) attitudes,
- b) behaviors and
- c) contradictions (see graph 2.1.1, The conflict model by Johan Galtung).¹¹

⁷ See: Galtung, 1958, p. 44

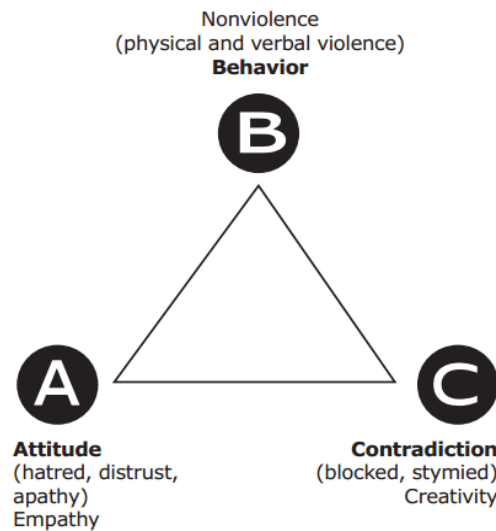
⁸ Ramsbotham et al, 2011, p. 30

⁹ Ibid, p. 31

¹⁰ Ropers, 2002, p. 11

¹¹ See: Nicolaidis, 2008, p. 9

Graph 2.1.1: The Conflict Model by Johan Galtung¹²



According to Galtung's description, a conflict starts when two or more parties have incompatible goals, as e.g. two parties that request the same land. Therewith a contradiction, an issue, is born. The more basic the goal, like covering basic needs or interests, the more likely the frustration originated by an unrealized goal may lead to aggression – either turning inwards as attitudes of hatred, or outwards as behavior or physical violence. Violence always intends to harm and hurt and may breed a spiral of counter-violence as defense and/or revenge. Therewith a conflict can get internal life, vex and wage, disappear and reappear.¹³ Galtung argues that all three components (attitude, behavior and contradictions) need to be present in a full conflict. Conflict is therefore a dynamic process in which those three aspects constantly change and influence one another. This means that conflict management can only be successful if a set of tools that brings about changes in each of the three areas mentioned is applied. Accordingly, it needs to include the subjective attitude of the different conflict parties and their behavior displayed as well as the objective contradiction of their interests and needs.

As stated above, violence and conflict do not entail one another but are deeply inter-connected.

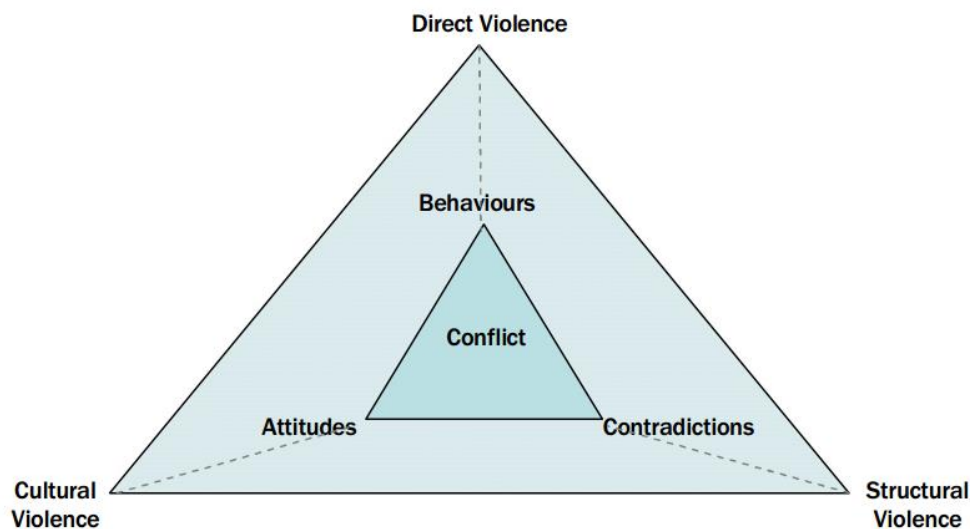
¹² Galtung, 2000, p. 1

¹³ Ibid, p.1

Galtung highlights three elements of violence (see graph 2.1.2, below):

- a) cultural (whatever justifies violence),
- b) direct (children are murdered) and
- c) structural violence (children die through poverty).¹⁴

Graph 2.1.2: **Relating the Two Triangles**¹⁵



As the above figure shows, we can end “direct violence by changing conflict behavior, structural violence by removing structural contradictions and injustices, and cultural violence by changing attitudes.”¹⁶ Galtung relates this response to the broader strategies of peacekeeping, peacebuilding and peacemaking that will be discussed in chapter 2.2. and 3.2. of this thesis.

¹⁴ Ramsbotham et al, 2011, p. 11

¹⁵ Nicolaidis, 2008, p. 20

¹⁶ Ramsbotham et al, 2011, p. 11

Ad a) Cultural violence

In order to describe cultural violence, we need a common understanding of what is actually meant by culture. To the authors understanding culture can be described as 'a set of rules or norms a group of a society or the society at large adheres to'.

In essence, cultures make a distinction between right and wrong, good and evil, acceptable and unacceptable and is often perpetuated through laws, media and / or religion¹⁷ and the like. Culture therefore sets the level of acceptable violence in a society through the prevailing attitudes and beliefs that people are taught from childhood on and that surrounds us in daily life. For instance, killing a person is commonly considered as murder, whereas killing tens, hundreds or thousands of people during a declared conflict is called "war".¹⁸ As Nicolaides Demetrios (2008) states, speeches are perhaps the strongest dispensers of cultural violence, for instance by creating a mentality of „us versus them“ that could be observed in U.S. President George W. Bush's identification of the „Axis of Evil“. The outline of „us vs. them“, ‚right vs. wrong‘, ‚good vs. evil‘ and ‚legitimate vs. Illegitimate‘¹⁹ clearly characterizes forms of cultural violence.

Ad b) Direct violence

Unlike cultural and structural violence, direct violence is strongly visible²⁰ and therefore probably needs to be described in less detail. Due to its direct intention to harm, injure or kill, it is the most destructive form of violence. Eventhough it can take many forms, its classic form involves the use of physical force, as e.g. killing, torture, rape, sexual assault and beating. As verbal violence – or the threat of using force – is considered as violence as well, direct violence can also be encountered in emotional and psychological form.²¹ The results of direct violence can never be remedied or rectified.

¹⁷ Nicolaides, 2008, p. 14

¹⁸ Bobichand, Rajkumar: *Understanding Violence Triangle and Structural Violence*, 2012, available at: <http://kanglaonline.com/2012/07/understanding-violence-triangle-and-structural-violence-by-rajkumar-bobichand/>

¹⁹ Nicolaides, 2008, p. 14

²⁰ See figure 3 in: Ibid, p. 16

²¹ See: Bobichand, Rajkumar: *Understanding Violence Triangle and Structural Violence*, 2012, available at: <http://kanglaonline.com/2012/07/understanding-violence-triangle-and-structural-violence-by-rajkumar-bobichand/>

Its physical, emotional and psychological forms are irreversible and prevent any progress toward peace.²² Galtung therefore sees direct violence as a kind of too late warning of unbearable structural and cultural conditions.²³

Even though direct violence is the most devastating of the three forms of violence, cultural and structural violence can be equally harmful and require great attention especially when attempting to understand the sources of violence within a conflict.²⁴

Ad c) Structural violence

„Structural violence exists when some groups, classes, genders, nationalities, etc are assumed to have, and in fact do have, more access to goods, resources, and opportunities than other groups, classes, genders, nationalities, etc, and this unequal advantage is built into the very social, political and economic systems that govern societies, states and the world.”²⁵

Like cultural violence, structural violence is an invisible element of violence and need not be limited to specific societies – in fact, it can span around the world. Examples for structural violence are colonialism or the role of women in the world since ancient notions regarding their role or place still prevail. Structural violence can best be described as customary and occurs because notions such as ‘it has always been like that’ or ‘everybody does it’ are deeply imbedded within a society.²⁶

After describing the different nuances of violence, a more nuanced definition of peace needs to be provided.

Thereby Galtung distinguishes between positive and negative peace whereas peace as such is understood as an ongoing process which has no definite end.

²² See: Nicolaides, 2008, p. 15

²³ Galtung, 2000, p.4

²⁴ Compare: Nicolaides, 2008, p. 16

²⁵ Bobichand, Rajkumar: Understanding Violence Triangle and Structural Violence, 2012, available at: <http://kanglaonline.com/2012/07/understanding-violence-triangle-and-structural-violence-by-rajkumar-bobichand/>

²⁶ See: Nicolaides, 2008, p. 14 f.

Negative peace is defined by Galtung as “the absence of organized collective violence”²⁷ (absence of direct violence), like “violence between major human groups; particularly nations, as well as between classes or racial and ethnical groups”²⁸. Nevertheless, in negative peace there is still the system in place that prohibit people from reaching their full potential. Accordingly, structural and cultural violence are still present.

Based on Galtung’s definition, **positive peace** not only overcomes direct but also structural and cultural violence. It is therefore a structure which includes the ideas of legitimacy and justice and focuses on the transformation of negative attitudes, behaviors and contradictions. Positive peace should be holistically understood as a state free of violence in all these spheres. Thereby, negative peace is a useful short-term step in a long process of bringing about positive peace with its long-term remedies.²⁹

Certainly, more definitions and classifications are available such as symmetric and asymmetric conflict, conflict trends and dynamics as well as the allocation of what conflicts are actually relevant conflicts etc. Unfortunately, a further distinction and elaboration would exceed the scope of this thesis.

Therefore, as Galtung is one of the most important theorists in this field, the restriction to his definitions of conflict, violence and peace has been chosen.

²⁷ Galtung, 1967, p. 12

²⁸ Ibid, p. 12

²⁹ See: Ramsbotham et al, 2011, p. 12; compare also Nicolaides, 2008, p. 50

2.2 Conflict Management, Conflict Resolution and Conflict Transformation

The United Nations is among the key international actors when it comes to manage a conflict. But what do we actually mean by the term conflict management?

The management of a conflict is a large and often a long-term process which entails strategies to defuse a conflict, prevent it from escalating further, terminate it, and limit effects that may complicate post-conflict peacebuilding and durable peace.³⁰ It is a process that may never have a final solution; it covers the whole scale of positive conflict handling.

Conflict management is often mentioned in combination with conflict resolution and conflict transformation.

Conflict resolution refers to resolving a dispute to the approval of one or both parties involved. From an idealistic point of view, it suggests that a conflict is of short term and will be resolved and ended. This term views a conflict as a purely negative phenomenon although it can be the starting point for valuable social change and improvement. Nevertheless, the destructive side of conflict is its violent expression which will be discussed in this thesis.³¹

On the other hand, conflict transformation is about reframing the positions of the conflict parties and the way conflict is expressed. Conflict theorists and practitioners who advocate the term conflict transformation argue that a social conflict transforms the events, people and relationships that created the initial conflict.³² Therefore, a deep transformation in the institutions and discourses that reproduce violence as well as within the conflict parties and their relationships with each other is needed.³³

³⁰ Sriram/ Wermester, 2003, p. 28

³¹ International Institute for Democracy and Electoral Assistance: *Democracy and Deep-Rooted Conflict: Options for Negotiators*, Handbook Series 3, 1998, p. 17 f.

³² National Open University of Nigeria: *Theories in Conflict Management*, 2006, p. 57; Conflict Research Consortium: *Conflict Transformation*, University of Colorado, 1997, available at: <http://www.colorado.edu/conflict/transform/jplall.htm>

Unlike conflict resolution – which suggests a conflict solely as a negative event – conflict management has a more constructive connotation by handling the difference and divergence that are underlying conflict.³⁴ Furthermore, the term conflict transformation falls short in consideration of the needed definition of this thesis since it corresponds with the underlying tasks of structural and cultural peacebuilding.³⁵

The term conflict management used in this thesis addresses the questions of how to deal with a conflict in a constructive way, “how to bring opposing sides together in a co-operative process, how to design a practical, achievable, co-operative system for the constructive management of difference”³⁶. Conflict management is a tool being used to control conflict before, during and after it has occurred and is wider in the conception and application since it also involves the concepts of conflict resolution and transformation.³⁷

*2.2.1 Conflict Prevention, Peacemaking, Peace Enforcement, Peacekeeping, Peacebuilding*³⁸

One of the primary purposes of the United Nations is the maintenance of peace and security in the world. As already stated, the United Nations is thus one of the most important actors in international conflict management – which implies a difficult and most complex task. In its role, the United Nations promotes democracy around the world and has significantly expanded its activities since the late 1980s.

An increase of the UN’s activities especially in the fields of conflict prevention, peacemaking, peacekeeping and post-conflict peacebuilding has been observed since 1992, as they have become the operational face of the United Nations in international peace and security.

³³ Ramsbotham et al, 2011, p. 31 f; compare: Lederach/ Maiese, 2009, p. 7 ff.

³⁴ International Institute for Democracy and Electoral Assistance, 1998, p. 18

³⁵ Ramsbotham, et al, 2011, p. 32; National Open University of Nigeria: *Theories in Conflict Management*, 2006, p. 60

³⁶ International Institute for Democracy and Electoral Assistance, 1998, p. 18

³⁷ National Open University of Nigeria: *Theories in Conflict Management*, 2006, p. 2

³⁸ In his *An Agenda for Peace* in 1992 the then UN Secretary General Boutros Boutros-Ghali framed five types of activities – still valid today – that make up modern peace operations: conflict prevention or preventive diplomacy, peacemaking, peacekeeping, peace enforcement and peace building.

Together, the above-mentioned conflict management tools represent the United Nations' comprehensive response to violent conflict and its holistic approach to peace. To be effective, these tools need to overlap or take place simultaneously. The United Nations is currently involved in sixteen peacekeeping operations³⁹ around the world, thus deploying a higher number of military, police and civilian personnel (currently more than 118,000⁴⁰) than any other organization. Since the UN does not have its own military force, it depends on the contribution of Member States.

Even though numerous other actors are engaged in conflict management activities,

“they all require or prefer a UN mandate to use force beyond self-defense for their missions to ensure that they are acting in accordance with international law, and many of them also require technical and financial assistance from the UN. This even applies to NATO, which has no capacity to carry out the many civilian tasks that contemporary conflict-management operations involve.”⁴¹

The United Nations' role in conflict management has expanded significantly since the late 1980s. Even though an analysis of the role of the United Nations per se is beyond the scope of this thesis, several dimensions of its changing role in relation to conflict management can be identified.

It has evolved from the then UN Secretary-General Boutros Boutros-Ghali's comprehensive doctrine *An Agenda for Peace*⁴² – a comprehensive doctrine to promote, sustain and develop peace in the world – on to the *Brahimi Report*⁴³, further to the Secretary-General's report on conflict prevention⁴⁴ up to the 55th Session of the General Assembly, which made conflict prevention a priority of the organization.

The year 2000 marks the start of a comprehensive analysis by the United Nations regarding its peacekeeping experience and introduces a series of reforms to strengthen its capacity to manage, perform and sustain operations.

³⁹ These operations are led by the UN DPKO. For more information see: United Nations Peacekeeping, *Current peacekeeping operations*, available at: <http://www.un.org/en/peacekeeping/operations/current.shtml>

⁴⁰ United Nations, United Nations Peacekeeping, *About us*, available at: <http://www.un.org/en/peacekeeping/about/>

⁴¹ Royal Danish Defence College: *International Organisations: Their Role in Conflict Management*, Copenhagen, 2009, p. 25

⁴² *An Agenda for Peace*, UN Doc. A/47/277-S/24111, 17 June 1992

⁴³ UN Doc. A/55/305-S/2000/809, 21 August 2000

(This issue is discussed in more detail in chapter 3.2.2 *Restructuring United Nations Conflict Management – Trendsetting Reports and Major Reforms* of this thesis).

The United Nations' peacekeeping operations as a conflict management tool are in the focus of this thesis. To get a deeper understanding of this term, it is important to understand how United Nations' peacekeeping, conflict prevention, peacemaking, peace enforcement and peacebuilding relate and differ from each other; especially since its boundaries have become increasingly blurred.

At this point, it is also necessary to concretize the terms used in regard to United Nations' blue helmet missions since there is much confusion about the right nomenclature. In fact, the term "peace operation" was introduced in the Brahimi Report in the 1990s and was meant to reflect the United Nations' new multidimensional post-Cold War operations. However, the Capstone Doctrine of 2008 reclaims the term "peacekeeping operations" as the distinctive United Nations' concept for all its consent-based missions⁴⁵.

Ramsbotham et al (2011, p. 157 f.) illustrates the

"ambivalent way in which what were originally the clear principles that defined UN peacekeeping have become blurred to the point where it is possible to use the terms 'peacekeeping operations' and 'peace operations' interchangeably, and then to include under the latter elements that would earlier have distinctly defined the separate venture of peace enforcement – if not war-fighting."⁴⁶

In this thesis, the term "peace operation" is used as the High-Level Independent Panel on Peace Operations sets out in its 2015 report: the term peace operations denotes the "full spectrum of responses required"⁴⁷ for all United Nations' operations.

⁴⁴ UN Doc. A/55/985–S/2001/574, 7 June 2001

⁴⁵ See: De Coning, et al, 2008, p. 1

⁴⁶ Ramsbotham, et al, 2011, p. 156

⁴⁷ UN Doc. A/70/95–S/2015/446, p. 10

Graph 2.2.1.1: **UN Conflict Management Activities for Peace and Security**⁴⁸

Conflict prevention	Conflict prevention involves the application of structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict. Ideally, it should build on structured early warning, information gathering and a careful analysis of the factors driving the conflict. Conflict prevention activities may include the use of the Secretary General's 'good offices,' preventive deployment or confidence-building measures.
Peacemaking	Peacemaking generally includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile parties to a negotiated agreement. The United Nations Secretary-General, upon the request of the Security Council or the General Assembly or at his/her own initiative, may exercise his or her 'good offices' to facilitate the resolution of the conflict. Peacemakers may also be envoys, governments, groups of states, regional organizations or the United Nations. Peacemaking efforts may also be undertaken by unofficial and non-governmental groups, or by a prominent personality working independently.
Peace enforcement	Peace enforcement involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force. Such actions are authorized to restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression. The Security Council may utilize, where appropriate, regional organizations and agencies for enforcement action under its authority.
Peacekeeping	Peacekeeping is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers. Over the years, peacekeeping has evolved from a primarily military model of observing cease-fires and the separation of forces after inter-state wars, to incorporate a complex model of many elements – military, police and civilian – working together to help lay the foundations for sustainable peace. ⁴⁹
Post-conflict peacebuilding	Peacebuilding involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. Peacebuilding is a complex, long-term process of creating the necessary conditions for sustainable peace.

⁴⁸ United Nations: *United Nations Peacekeeping Operations, Principles and Guidelines*, 2008, p. 17 f.

⁴⁹ Nevertheless, peacekeeping is organized around a military deployment and is often a central part of a peacebuilding effort.

	It works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that affect the functioning of society and the State, and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions. ⁵⁰
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The **conflict prevention process** is initiated when various indications suggest that a certain situation might get out of hand. The United Nations reacts to that by focusing more resources on the trouble spot, like for instance by creating increased humanitarian assistance. Furthermore, it is likely that the UN Secretary-General will dispatch a fact-finding mission or a special envoy to visit the conflict area to assess how the United Nations can best react to the situation in order to prevent the conflict from escalating. The UN Security Council then decides on a wide range of actions that may include various humanitarian, rehabilitation, recovery and reconstruction actions etc. The appointed special envoy is then likely to operate as mediator or negotiator thus aiming to achieve some kind of formal agreement between the conflict parties. However, conflict prevention initiatives continue to take place throughout the conflict cycle.

Even though there is general agreement that conflict prevention is much more effective and cheaper than reacting to an escalated conflict, the problem related to conflict prevention is the lack of political will to allocate the necessary resources in the early stage of a conflict. At that point, political leaders are often not yet convinced of the seriousness of a situation or even in the long run of the effects for their own countries until it turns out to be too late. Furthermore, political leaders are often too reluctant to act against the leadership wishes of the concerned country.⁵¹ In his report *In Larger Freedom* UN Secretary General Kofi Annan therefore stressed the fundamentality of the prevention and resolution of deadly conflict and the fact that the prevention of conflict must be especially central to all efforts.⁵²

⁵⁰ Compare: Sriram/ Wermester, 2003, p. 28

⁵¹ See: Henderson/ De Coning, 2007, p. 16 ff.

⁵² See: Annan, *In Larger Freedom*, A/59/2005, 21 March 2005, p. 29 f.

After a conflict has broken out, **peacemaking** efforts are dedicated to achieve a ceasefire or peace agreement to end the hostilities in the first place, whereas a comprehensive peace agreement can then be worked out over a longer period. Like conflict prevention efforts, peacemaking efforts can take place at all stages of a conflict. In essence, peacemaking is a diplomatic effort that may, however, also be supported by for instance the threat of military intervention or sanctions^{53 54}.

In a full-blown conflict, a **peace enforcement** operation is installed by the UN Security Council and includes the use of military force. On the contrary to that, **peacekeeping** describes the deployment of international personnel, i.e. specifically by the United Nations, in the aftermath of a war in order to preserve an existing form of peace – however fragile it might be.

Peacekeeping operations are deployed in violent setting to prevent their escalation into war, thus limiting the intensity of violence, the geographical spread as well as the duration of war once it has broken out. In addition, these operations are meant to be used to consolidate a ceasefire and to create space for reconstruction after the end of a war.⁵⁵ The United Nations' lingo uses the terms Chapter VI (peacekeeping) and Chapter VII (peace enforcement) operations even though nowhere the United Nations' Charter refers to the concept of peacekeeping or peace enforcement.⁵⁶ Dag Hammarskjöld famously described peacekeeping as 'Chapter six and a half'.

⁵³ When peace is threatened and the diplomatic efforts failed the UN Security Council resorts to sanctions following Article 41 of the Charter (despite the fact that the word sanctions does not appear in the UN Charter) as an enforcement tool. Through the application of sanctions the United Nations seeks to apply pressure on a state or entity without resorting to the use of force. Since the late 1990s, the Security Council increasingly preferred to seek to put pressure through so called "smart" or "targeted" sanctions (which may include freezing the financial assets and blocking the financial transactions of élites or entities whose behavior triggered sanctions in the first place) on those in power than at the larger population. Sanctions are an important tool to maintain international peace and security without recourse to force. See: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 77 f; compare: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 67 f; López-Jacoiste, 2010, p. 302

⁵⁴ See: Henderson/ De Coning, 2007, p. 19

⁵⁵ See: Ramsbotham, et al, 2011, p. 147

⁵⁶ Fortna, 2008, p. 5, notes that UN peacekeeping is an improvisation that falls somewhere between the actions envisioned by the charter in Chapter VI (peaceful settlement of disputes) and those in Chapter VII (use of force against threats to the peace).

Until recently, it was rare for UN peacekeeping operations mandates to make explicit reference to the United Nations' Charter since the use of force is not explicitly mentioned in any United Nations' resolution.⁵⁷ As Fortna (2008, p. 7) sets out, most Chapter VII⁵⁸ missions enjoy the consent of the belligerents, at least at the beginning of the mission. However, unlike Chapter VI missions, they are not obligated to depart in case they lose that consent. Chapter VII missions therewith may have the belligerents' consent, but this is not a necessary condition for their operation.⁵⁹ Both kinds of operations – peacekeeping as well as peace enforcement operations – do need the authorization of the United Nations' Security Council. In fact, it is now common practice that both are appointed with a Chapter VII⁶⁰ mandate.⁶¹

(More about United Nations' operations is said in Chapter 3.3 of this thesis: *The Dimension of International Peace Operations – the United Nations Blue Helmets*).

Any actions undertaken by the United Nations to assist countries and regions in their transition from war to peace and to prevent the reoccurrence of the conflict that is halted are referred to as **peacebuilding**.

These actions include activities and programs to support and strengthen these transitions. They start when hostilities end and are usually marked by a ceasefire or peace agreement by former warring parties, whereby the United Nations facilitates its implementation.⁶² The purpose of peacebuilding is the attempt to build a new and legitimate state with the capacity of peacefully managing disputes, protect its civilians and ensure respect for human rights.⁶³ The United Nations differentiates between preventive and post-conflict peacebuilding.

⁵⁷ Fortna, 2008, p. 5

⁵⁸ Also under Chapter VII of the Charter, the Council has established international tribunals to prosecute those accused of gross violations of human rights and serious breaches of international humanitarian law, including genocide. United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 61

⁵⁹ Fortna, 2008, p. 7

⁶⁰ The Chapter VII of the UN Charter fully empowers the Security Council to deal with every kind of threat that states may confront.

⁶¹ *A More Secure World*, UN Doc. A/59/565, 2 December 2004, para. 213, p. 58

⁶² The United Nation role may include a continued diplomatic role to ensure that negotiations rather than the use of arms is given priority. Furthermore, it may include various types of assistance like the deployment of peacekeepers; the repatriation and reintegration of refugees; the monitoring of elections; and the disarmament, demobilization and reintegration of combatants. See: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 67

⁶³ See: Ibid, p. 68

Preventive peacebuilding aims to prevent a conflict from becoming violent, whereas post-conflict peacebuilding addresses the rebuilding of physical infrastructure, state systems and civil society organizations. Peacebuilding is a complex system in which different programs simultaneously address the causes and consequences of a conflict^{64 6566}.

2.2.2 Conflict Cycle and Intensity

Due to the great variety of reasons behind conflicts and the differing environments in which conflicts can erupt, conflict prevention, its according management as well as the resolution still remain very elusive and difficult. In order to analyze the different stages of conflicts, their characteristics have been identified; forming a cycle of conflict (see graph 2.2.2.2 of this thesis). Certainly, no conflict has identical characteristics in each stage nor does every conflict necessarily go through all five stages. Even though all conflicts are unique – due to their respective contexts and structure, most of them go through the identified stages in one way or another.⁶⁷ The intensity of a conflict is most commonly illustrated in the following stages outlined by Wegscheider⁶⁸:

First, a non-violent *dispute* in which the conflict parties differ over definable values of national meaning arises. Second, there is a *non-violent crisis*, in which the conflict parties already use measures that constitute a preliminary stage to violent force, such as verbal pressure, the threat of violence, or the imposition of economic sanctions. These two stages are characterized as non-violent conflicts with low intensity.

⁶⁴ Peacebuilding has played a prominent role in UN operations in Bosnia and Herzegovina, Cambodia, El Salvador, Guatemala, Kosovo, Liberia and Mozambique, as well as more recently in Afghanistan, Burundi, Iraq, Sierra Leone and Timor-Leste. An example of inter-state peacebuilding has been the UN Mission in Ethiopia and Eritrea. United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 68 f.

⁶⁵ See: Henderson/ De Coning, 2007, p. 21 f.

⁶⁶ Compare: National Open University of Nigeria: *Theories in Conflict Management*, 2006, p. 11

⁶⁷ See: Royal Danish Defence College, 2009, p. 14

⁶⁸ Wegscheider, 2012, p. 357 f.

In cases where conflict prevention measures are absent or insufficient, the conflict reaches the stage of a *violent crisis*, in which at least one conflict party uses violent force in sporadic incidents.

With the emergence of a crisis, the conflict has reached the medium level of conflict intensity. This is followed by a *limited war* in which the parties repeatedly exercise violent force in an organized way. The last conflict stage actually constitutes *war*. This means that the different parties repeatedly use violent force in an organized and systematic way. A limited war and, finally, a war are considered as conflicts with high intensity.⁶⁹

Graph 2.2.2.1: **Levels of Conflict Intensity**⁷⁰

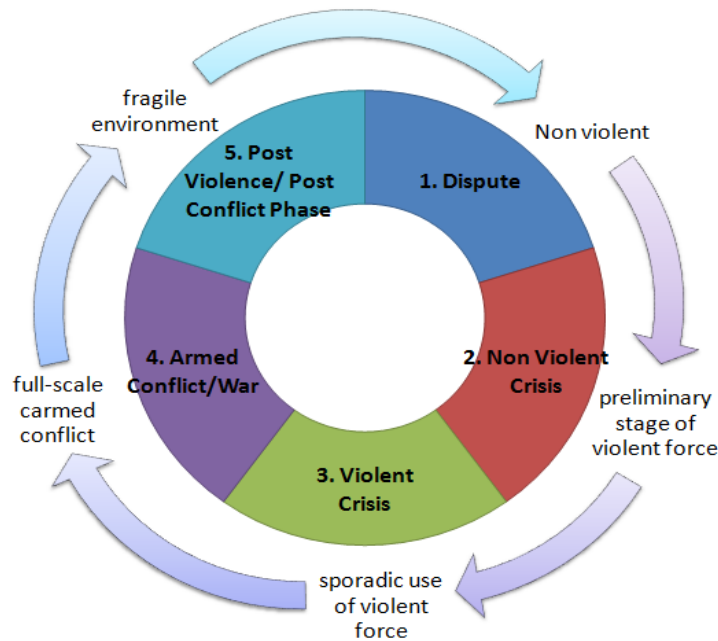
intensity Level	terminology	level of violence	intensity class
1	dispute	non-violent conflicts	low intensity
2	non-violent crisis		
3	violent crisis	violent conflicts	medium intensity
4	limited war		high intensity
5	war		

The figure displayed above shows the different stages of intensity in a conflict and is largely similar to the different stages characterized in the so-called conflict cycle. However, in the conflict cycle, the fourth and the fifth stage are often merged in a fourth stage of war/armed conflict whereupon the fifth stage is often characterized as post violence/post conflict phase.

⁶⁹ See: Heidelberg Institute for International Conflict Research, November 2008, p. i.

⁷⁰ Heidelberg Institute for International Conflict Research, February 2014, p. 9

Graph 2.2.2.2: **The Conflict Cycle**⁷¹



Phase 1: Dispute

In this stage of the conflict cycle differing values and ideas of national meaning have led to the emergence of a dispute, which may include religious cleavages, measures for poverty reduction, cultural or ethnical factors, as e.g. the inability of weak states to manage tensions based on inequalities between ethnic groups or cultures like the lack of horizontal legitimacy, or political fragmentation. The appearance of such conditions does not necessarily need to result in the emergence of a conflict.⁷²

Nevertheless, they are considered as mobilizing factors that can support the formation of a dispute that might evolve into a non-violent crisis. Thus, the root causes need to be addressed by the parties involved in order to prevent negative developments. Furthermore, this first stage within the conflict cycle is also crucial, since the conflict parties will not find a path to peace if the underlying causes of this early stage of conflict have not been solved.

⁷¹ Figure compiled by the author

⁷² See: Royal Danish Defence College, 2009, p. 17

Phase 2: Non-violent crisis

Even though still characterized as having low intensity, the conflict parties use measures preliminary to violent force and mobilization towards conflict increases in the second stage. Accordingly, verbal pressure, the threat of violence or the imposition of economic sanctions are some of the tools that are used by the conflict parties. Measures of **conflict prevention** and **conflict management** should be implemented in this stage in order to prevent the conflict from hardening. These might include “preventive disarmament, preventive peacekeeping, deterrence, promoting freedom of the press, human rights advocacy, risk assessments, promoting dialogue and cooperation.”⁷³

Phase 3: Violent crisis

In this stage of conflict at least one of the conflict parties uses violent force in sporadic incidents whereby the conflict reaches the medium level of conflict intensity. Moreover, a high degree of tension and confrontation between the conflict parties can be observed; this is often realized in election fraud, governmental repression, ethnic clashes and the threat or use of force by external actors.

This is the point when the so called international community centers its attention on the circumstances that have led to this situation in order to enhance focused **crisis management** and **conflict preventive** measures.⁷⁴ “Such measures include preventive diplomacy, condemnation by regional and global organizations, international mediation, mediation through informal channels, security agreements, targeted sanctions and the deployment of observers.”⁷⁵ Furthermore humanitarian and peacemaking operations are used to prevent the outbreak of an armed conflict.

Phase 4: Armed conflict/ war

As mentioned above, the fourth stage is twofold and ranges from the repeated use of violent force to the use of violent force in an organized and systematic way.

⁷³ Ibid, p. 19

⁷⁴ See: Ibid, p. 17 f.

At this stage, we can observe human rights violations that escalate into a humanitarian crisis often resulting in a high number of refugees⁷⁶⁷⁷ and Internally Displaced People – so called IDPs⁷⁸.

The available instruments used in armed conflict or war range from non-coercive peacemaking (depending on a voluntary peace agreement by all warring parties) to peace enforcement measures (by the use of force by a third party e.g. the United Nations) when no other means are available in order to establish an environment in which peace negotiations can be held. Mainly, operational conflict management measures are used to “terminate or contain the fighting, including mediation, conciliation, the appointment of a special envoy by a regional or international organization, sanctions, an arms embargo, demilitarized zones, peace enforcement, closure of market access and political condemnation.”⁷⁹

⁷⁵ Ibid, p. 18

⁷⁶ The international community reacted to the increasing numbers of refugees with the 1951 UNHCR “Convention Relating to the Status of Refugees” which is the key legal document in defining who is a refugee their rights and the legal obligations of states. available at: <http://www.unhcr.org/pages/49da0e466.html>; The Convention entered into force on 22 April 1954, and it “has been subject to only one amendment in the form of a 1967 Protocol, which removed the geographic and temporal limits of the 1951 Convention. The 1951 Convention, as a post-Second World War instrument, was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. The 1967 Protocol removed these limitations and thus gave the Convention universal coverage.” UNHCR Commissions and Public Information Service: *Convention and Protocol Relating to the Status of Refugees*, Switzerland, 2010, p. 4

⁷⁷ The 1951 UNHCR Convention defines a refugee as “a person which is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him- or herself of the protection of that country, or to return there, for fear of persecution.” UNHCR: *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol*, Switzerland, 2011, p. 5; compare: UNHCR Commissions and Public Information Service: *Convention and Protocol Relating to the Status of Refugees*, Switzerland, 2010, Article 1A (2), p. 16

⁷⁸ An increasing number of people are, unlike refugees, remaining within the borders of their own countries. Therewith they don’t enjoy a certain degree of protection as it is granted to refugees. Once displaced the effected people are increased vulnerable even though they do – like any other person – benefit from all legal protection of international human rights instruments available. However, due to the fact that IDPs do not cross any international border, they do not benefit from the protection of the UNHCR Convention of Refugees – mentioned above – and are therefore especially vulnerable to human rights abuses and neglect.

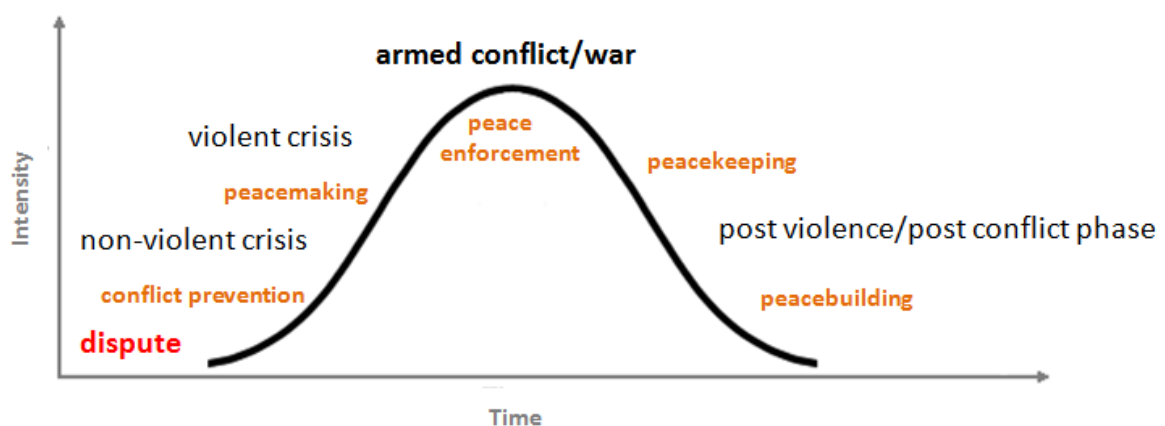
⁷⁹ Royal Danish Defence College: *International Organisations: Their Role in Conflict Management*, Copenhagen, 2009, p. 18

Phase 5: Post violence/ post conflict phase

In the last stage of the conflict cycle, i.e. the de-escalation phase; peacekeeping operations are deployed and peacebuilding operations are finally introduced to support recovery after violent conflicts. This is a very fragile stage that is characterized by distrust and hatred between the conflict parties. Therefore, it usually proves to be a long, frustrating and expensive task to secure the fragile environment in order to break the cycle of violence the conflict parties are caught in.

The root causes that had led to the outbreak of violence might have changed but nevertheless need to be addressed as new conflict-prolonging factors that had emerged during the conflict. Important measures carried out during this stage of conflict include demobilization, disarmament and reintegration (DDR) programs, political institution building, security-sector reform (SSR), economic reconstruction, social reconciliation, the promotion of human rights, institutional capacity-building and others.⁸⁰

Graph 2.2.2.3: A Conflict Management Timeline⁸¹



In order to produce positive results, conflict management depends on various factors, e.g. political or time pressure and presents a supreme challenge even without those factors.

⁸⁰ See: Ibid, p. 18 f.

⁸¹ Figure compiled by the author.

Even though pressing factors persist, it is important to withstand the temptation to respond to a complex problem by focusing on its symptoms and the fastest possible way to achieve results rather than respond with deep-rooted conflict management. The temptation is high to push for any agreement and to reach superficial success. However, long-term stability might be sacrificed for short-term convenience. This pressure can be a limited window of opportunity for talks; military issues; economic needs; a tenuous cease-fire agreement and other genuine pressure that is difficult to resist.⁸²

Still, there are the underlying – so called root causes – that need to be addressed in order to bring about long-term stability to a complex situation. To reach this, time needs to be spent in the dialogue phase. A slow-fast approach to conflict management “is one where the initial stage of reaching agreement is done as slowly as necessary, to ensure that the agreement, when reached, is as comprehensive and detailed as possible. This permits more speed subsequently in implementing the agreement.”⁸³ Yet, it can be observed that a fast-slow mode is often used in conflict management. Due to high pressure for results, the parties often rush through the negotiation phase in order to reach an agreement that is often less than ideal.⁸⁴ As a consequence, the problems tend to remain and might even hamper the peace process.

Different crises require different approaches as well as well-designed conflict management strategies. Moreover, they need to be granted the necessary time and match the needs of the respective situation. Even though especially in desperate situations, short-term measures are also to be valued, it is vital to shift the focus beyond the immediate situation, i.e. to the longer-term future, which should, in fact, be the center of focus in successful conflict management.⁸⁵

⁸² See: International Institute for Democracy and Electoral Assistance, 1998, p. 25

⁸³ See: Ibid, p. 25

⁸⁴ See: Ibid, p. 25 f.

⁸⁵ See: Ibid, p. 20 f. and p. 31

2.3 The Concept of Security and the Monopoly of Legitimate Force

“In a natural state, life would be “solitary, poor, nasty, brutish, and short”⁸⁶.

An extended security concept does not only include military, but also political, economic, social, humanitarian, human rights and ecological aspects. As far as human beings are concerned, the term security in particular means to be protected against danger and harm whereby it is possible to feel free from care and fear.

The concept of security receives an intergovernmental dimension through international law that puts the nation state or rather the community of states in the forefront. Hereby a distinction needs to be made between national and international security.⁸⁷ As regards national security, the search for security focuses on persons, goods, ideals etc. that are of a certain value for the state in question. On the contrary, the term security is considered as “security as guarantee of intergovernmental relations of the existing system of international law”⁸⁸ in the light of the international dimension. The system of international security should guarantee the security of all nation states involved; “all states together constitute the international system and are therewith those that are primarily (even if not exclusively) responsible for the global order”⁸⁹. Thus, security can be seen as a condition in that neither a danger for states, nor for the persons that live in that state, and nor for their values exists. The reason might be that either there is no danger that threatens them, or because a safe protection is in place.⁹⁰ In order to provide or even guarantee security, the nation state needs to be provided with a regulatory function whereby the legitimacy of the state monopoly over the use of force within its legitimate territorial borders needs to be recognized. This recognition is a prerequisite for a democratic constitutional state for applying the rule of law and therewith not only characterizes a state as we know it today but also serves as important guarantor for peace and order in society.

⁸⁶ Hobbes, Thomas: ‘Solitary, Poor, Nasty, Brutish, and Short’, Yale University Press, available at: <http://yalebooksblog.co.uk/2013/04/05/thomas-hobbes-solitary-poor-nasty-brutish-and-short/>

⁸⁷ See: Wegscheider, 2008, p. 48

⁸⁸ Wegscheider, 2008, p. 49

⁸⁹ Schneckener, 2006, p. 9

⁹⁰ Stock, 1974, p. 87 f. zitiert in: Wegscheider, 2008, p. 49

Basically, the emergence of the state monopoly over the use of force is connected to the emergence of sovereignty. Niccolò Machiavelli already “reinforced the notion of the use of force as an indispensable element of the state”⁹¹. Max Weber defines a state as a “human community that (successfully) claims *the monopoly of the legitimate use of physical force* within a given territory” whereby “‘territory’ is one of the characteristics of the state”⁹². He claims that there is no state if it doesn’t have the monopoly on the use of force: “Ohne Gewalt kein Staat”⁹³. Accordingly, Thomas Hobbes, John Locke and Jean-Jacques Rousseau outlined or rather supported the concept of a social contract whose fundamental component is the freedom of all people that is given by nature. According to Hobbes, only the state can guarantee “the protection of human rights and the conditions necessary for the enjoyment of those rights”⁹⁴.

In 1895 Georg Jellinek defined three key elements⁹⁵ that must be given in order to define the modern state: 1) national territory, 2) constitutive people and 3) state power whereby the state claims both sovereignty internally (towards its citizens and the whole society) and externally (towards external actors). In 1995 Zartman defined three core functions of a state: “the state as the sovereign authority – the accepted source of identity and the arena of politics; the state as an institution – and therefore a tangible organization of decision-making and an intangible symbol of identity; and the state as the security guarantor for a populated territory.”⁹⁶ According to Zartman, these functions are absolutely intertwined and it is therefore that a “weakening of one function drags down other with it”⁹⁷.

⁹¹ Silva, 2012, p. 20

⁹² Weber, 1918, p. 1

⁹³ Anter, 1996, p. 36

⁹⁴ Silva, 2012, p. 21

⁹⁵ Today the modern state is also characterized through the following dimensions of statehood: the democratic constitutional state, the constitutional state, the administrative state and the welfare state. See: Schneckener, 2006, p. 18

⁹⁶ Zartman, 1995, p. 5

⁹⁷ Zartman, 1995, p. 5

The modern state can be traced back to 1648, i.e. the Peace of Westphalia⁹⁸, that initiated a new political order with the concept of state sovereignty thus including territorial integrity and political independence at its heart.

The policy field of “internal security” is closely connected to the monopoly of the state over the legitimate use of force whereby the state is seen as guarantor of security for its citizens that can therefore not afford to be seen as either weak or – even more so – as a security risk.

The democratically elected power also executes the state authority through the use of physical force; however, only within given laws, norms and provision. This power manifests a special responsibility towards its people inherent. If the elected power is not able to provide the personal security and the invulnerability of its people’s individual rights, the elected power will be directly held liable for this inability. Subsequently, the policy area “internal security” is an important domain of every modern state.⁹⁹

On the contrary, the term “external security” was long understood as a military domain. These days, unwanted migration flows, global distributional conflicts etc. are increasingly shaping the field of external security. It was until the middle of the 20th century, that the biggest threat for the values of a state originated from the military power of others. However, it was possible to minimize this external threat with the emergence of international communities and organizations. Today we are confronted with blurring lines of the internal and external policy area. Nevertheless, it is a core function of states to ensure security, even though neither absolute inward nor outward security can ever be granted.¹⁰⁰

International law outlines that a state needs the recognition of others to act internally and externally on a sovereign basis. The international political community will only establish diplomatic relations after this recognition has been achieved.¹⁰¹¹⁰²

⁹⁸ „The two peace treaties of Osnabrück and Münster (1648), commonly known as the Peace of Westphalia, ended the Thirty Years' War (1618–1648) in the Holy Roman Empire, and the Eighty Years' War (1568–1648) between Spain and the Republic of the Seven United Netherlands. Westphalia is seen as a historic contribution to a peaceful coexistence.” Wegscheider, 2012, p. 360

⁹⁹ See: Wegscheider, 2008, p. 51

¹⁰⁰ See: Nohlen, et al, 1998, p. 408, Glæßner/ Lorenz, 2005, p. 7f.

¹⁰¹ See: Schneckener, 2006, p. 17 f.

¹⁰² A state that does not have the “structural competency”¹⁰² to enter into or abide treaties and

2.4 From Fragile to Collapsed States

Nowadays, a renewed focus on fragile, failed and collapsed states that increasingly have a significant impact on the local and regional as well as on the international level can be observed. The world community needs to put attention on this ever-increasing international security threat; accordingly, addressing this issue effectively also means addressing the relationship between state failure and human security.¹⁰³

As stated above, modern states do not only ensure public order for their citizens but also support the global order by constituting the international system and therewith provide security for each state within this system. Different forms of fragile statehood undermine those functions of modern states and therewith threaten the national and international security system. The different forms of statehood as well as their relevance for the current thesis are discussed below.

This thesis highlights the purpose of the United Nations, i.e. to protect world peace. In order to do so, the United Nations also needs to address countries, that are trapped in a cycle of recurring conflict or states that are considered as failed or even collapsed.

State failure is a more than evident phenomenon in Africa¹⁰⁴ and has significant consequences for the respective state itself as well as for the international community.¹⁰⁵ When talking about state failure, a variety of terms are applicable for such states in question, thus ranging from weak, fragile, failing, failed or collapsed.

agreements creates “a range of problems for an international system premised on state sovereignty and state consent”. Silva, 2012, p. 12; According to Silva, 2012, p. 12, a low level of structural competency is characterized through “the failure to provide healthcare, education, food, a legitimate security force and economic sustainability; the possession of significant economic inequalities; a loss of legitimacy; a culture of corruption; a lack of social cohesion; a failure in rule of law, such as in judicial institutions, loss of security and territorial control; and systemic political instability.”

¹⁰³ See: Silva, 2012, p. 8

¹⁰⁴ For example in Somalia, Sierra Leone, Democratic Republic of Congo, etc.

¹⁰⁵ The consequences of state failure in African is for instance evident in Sierra Leone, Liberia, Rwanda and Somalia where the failure of the state created instability, large-scale migration, economic

Since it is not the purpose of this thesis to provide a deep insight of those different nuances of state failure, a broad definition of the terms used in the thesis at hand is provided below.¹⁰⁶

As defined by Rotberg

“nation-states exist to provide a decentralized method of delivering political (public) goods to person living within designated parameters (borders). (...) modern states focus and answer the concerns and demands of citizenries. They organize and channel the interests of their people (...). They buffer or manipulate external forces and influences, champion the local or particular concerns of their adherents, and mediate between the constraints and challenges of the international arena and the dynamism of their own international economic, political, and social realities. States succeed or fail across all or some of these dimensions.”¹⁰⁷

Rotberg further states that **it depends on the states’ performance** to effectively deliver the most crucial political goods that distinguish strong states from weak ones and weak states from failed or collapsed ones.¹⁰⁸ The Organisation for Economic Co-operation and Development (OECD) defines a **fragile state** as a “low-income country characterized by a ‘weak capacity to carry out basic functions of governing a population and its territory’ and the inability ‘to develop mutually constructive and reinforcing relations with society’.”¹⁰⁹ As the term “fragile” indicates, those states are highly vulnerable to external shocks and characterized by institutional weakness, which again often causes the preservation of the conditions of the crisis.¹¹⁰

Grimm et al point out that fragile and weak states target service delivery¹¹¹, whereas Rotberg states that **weak states** “typically harbor ethnic, religious, linguistic, or other intercommunal tensions that have not yet, or not yet thoroughly, become overtly violent.”¹¹²

chaos and mass violence. Compare: Silva, 2012, p. 67

¹⁰⁶ See: Ibid, p. 64

¹⁰⁷ Rotberg, 2004, p. 2

¹⁰⁸ Compare: Rotberg, 2004, p. 2

¹⁰⁹ Shaw/ Kemp, 2012, p.5

¹¹⁰ See: Shaw/ Kemp, 2012, p. 5

¹¹¹ Grimm et al, 2014, p. 199

¹¹² Rotberg, 2004, p. 4

In his report “In Larger Freedom”, UN Secretary-General Annan pointed out that in fragile/weak states “the peoples of the world will not enjoy the security, development and justice that are their right”¹¹³. In weak states the monopoly of the state over the legitimate use of force largely still exists whereas deficits exist regarding the social welfare and/or the legitimacy as well as the constitutional state.¹¹⁴

According to Grimm et al, the concept of fragile states was “generally preferred by development experts and intersected with the concept of failed states, which was favored by security experts and diplomats (as exemplified in speeches by both, the former UN Secretary-General Boutros Boutros-Ghali as well as the former US Secretary of State Madeleine Albright).”¹¹⁵

The United Nations itself describes **failed states** as states “often characterized by ethnic violence and the lack of internal power structures to deal with security issues”¹¹⁶. Silva provides ten broad categories defining **state failure** that actually corresponds with how Zartman describes collapsed states underneath.

Silva’s categories are:

- (1) absence of rule of law;
- (2) political instability and lack of legitimacy;
- (3) economic and social instability directly contributing to poverty;
- (4) lack of security and/or the presence of internal conflict;
- (5) authoritarian rule and clan loyalty;
- (6) impunity and an ineffective justice system;
- (7) loss of internal territorial control (de jure and de facto sovereignty);
- (8) gross and systematic violations of human rights;
- (9) loss of social cohesion and development; and
- (10) corruption and weak institutions.¹¹⁷

¹¹³ Annan, In Larger Freedom, UN Doc. A/59/2005, para. 19, p. 6

¹¹⁴ See: Schneckener, 2006, p. 24

¹¹⁵ Grimm et al, 2014, p. 199

¹¹⁶ United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 59

¹¹⁷ Silva, 2012, p. 64 f.

Rotberg states that it is not the absolute intensity of violence but rather the enduring character of it (like in the Sudan, Sierra Leone, Liberia, the Democratic Republic of Congo and Côte d'Ivoire) that identifies a failed state.¹¹⁸

Zartman, on the other hand, defines **collapsed states** as the “collapse of old orders, notably the state that brings about the retreat to ethnic nationalism as the residual, viable identity.”¹¹⁹ He further states that it is “a deeper phenomenon than mere rebellion, coup, or riot” but it is “not necessarily anarchy” nor a “byproduct of the rise of ethnic nationalism”¹²⁰. Collapse means¹²¹ that the state is no longer able to fulfil its basic functions e.g. that the central government is inoperative (laws are not made, order is not preserved etc.), the security of the territory of a state is no longer assured, the state has lost its legitimacy and no longer receives support from nor exercises control over its people. In fact, it is even no longer the target of demands, because its people know that it is incapable of providing supplies and has lost the right to rule.

In short, state collapse is “the breakdown of good governance, law, and order.”¹²² Nevertheless, state collapse is not a synonym for chaos or anarchy. State collapse is actually the point, when non-governmental actors enter the scene and establish an order that is based on violence and oppression.¹²³ Rotberg concludes that a collapsed state is a “rare and extreme version of a failed state. Political goods are obtained through private or ad hoc means. Security is equated with the rule of the strong. A collapsed state exhibits a vacuum of authority.”¹²⁴ State collapse is not a “short-term phenomenon” but a “long-term degenerative disease”¹²⁵.

In the current thesis, the terms are used as suggested by Silva who “failing”, weak and fragile states in his term and subsumes those states under the term “failed” that are either fully failed or collapsed states.¹²⁶

¹¹⁸ See: Rotberg, 2004, p. 5

¹¹⁹ Zartman, 1995, p. 1

¹²⁰ Zartman, 1995, p. 1

¹²¹ As various theories of state demonstrate cited in Zartman, 1995, p. 5

¹²² Zartman, 1995, p. 6

¹²³ See: Schneckener, 2006, p. 25

¹²⁴ Rotberg, 2004, p. 9

¹²⁵ Zartman, 1995, p. 8

¹²⁶ Silva, 2012, p. 65

Africa is perceived as a very fragile continent – as displayed in graph 2.4.1. below. When looking at the countries where United Nations' Operations have been deployed, the problem of fragility¹²⁷ that the United Nations needs to tackle with its conflict management become even more evident.

Graph 2.4.1: **Past United Nations Operations in Africa**¹²⁸

Acronym	Name of Mission	Time Period
ONUC	United Nations Operation in the Congo	07/ 1960 – 06/1964
UNAVEM I	United Nations Angola Verification Mission I	01/1989 – 06/1991
UNTAG	United Nations Transition Assistance Group (Namibia)	04/1989 – 03/1990
UNAVEM II	United Nations Angola Verification Mission II	06/1991 – 02/1995
UNOSOM I	United Nations Operation in Somalia I	04/1992 – 03/1993
ONUMOZ	United Nations Operation in Mozambique	12/1992 – 12/1994
UNOSOM II	United Nations Operation in Somalia II	03/1993 – 03/1995
UNOMUR	United Nations Observer Mission Uganda-Rwanda	06/1993 – 09/1994
UNOMIL	United Nations Observer Mission in Liberia	09/1993 – 09/1997
UNAMIR	United Nations Assistance Mission for Rwanda	10/1993 – 03/1996
UNASOG	United Nations Aouzou Strip Observer Group	05/1994 – 06/1994
UNAVEM III	United Nations Angola Verification Mission III	02/1995 – 06/1997
MONUA	United Nations Observer Mission in Angola	06/1997 – 02/1999
MINURCA	United Nations Mission in the Central African Republic	04/1998 – 02/2000
UNOMSIL	United Nations Observer Mission in Sierra Leone	07/1998 – 10/1999
UNAMSIL	United Nations Mission in Sierra Leone	10/1999 – 12/2005
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo	11/1999 – 06/2010
UNMEE	United Nations Mission in Ethiopia and Eritrea	07/2000 – 07/2008
UNMIS	United Nations Mission in the Sudan	03/2005 – 07/2011
MINURCAT	United Nations Mission in the Central African Republic and Chad	09/2007 – 12/2010

¹²⁷ For more information about destabilizing factors for state hood see Schneckener, 2006, p. 29

¹²⁸ Graph compiled by the author based on the information available at: List of Peacekeeping Operations 1948-2013, available at: <http://www.un.org/en/peacekeeping/documents/operationslist.pdf>; for more information compare: United Nations Peacekeeping, *Current peacekeeping operations*,

Graph 2.4.2: **Ongoing United Nations Operations in Africa**¹²⁹

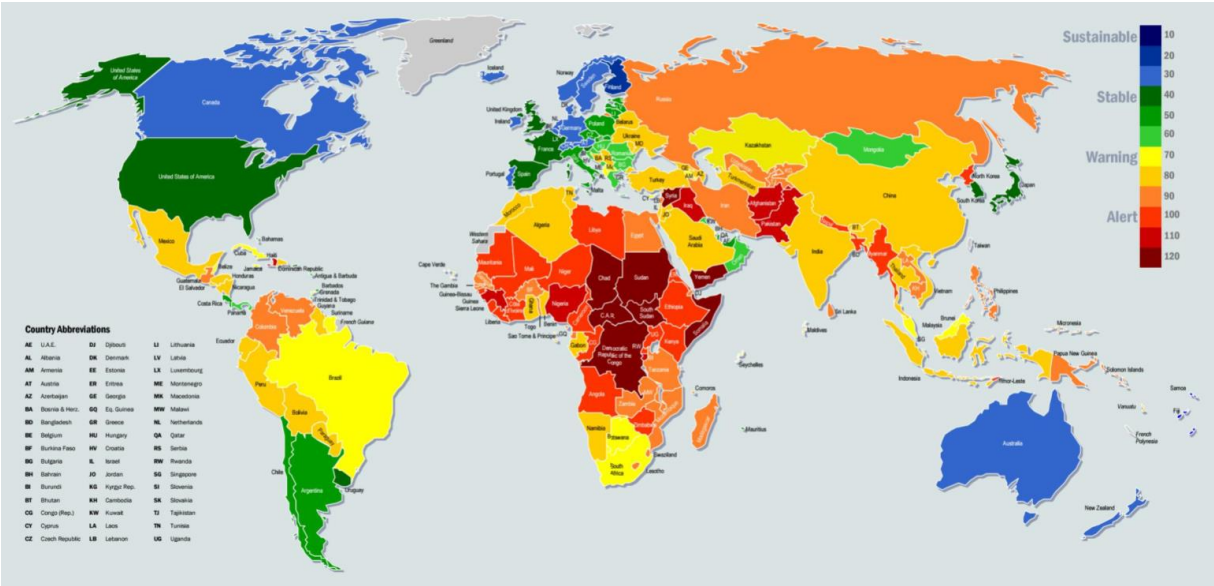
Acronym	Name of Mission	Start Date
MINURSO	United Nations Mission for the Referendum in Western Sahara	04/1991
UNMIL	United Nations Mission in Liberia	09/2003
UNOCI	United Nations Operation in Côte d'Ivoire	04/2004
UNAMID	African Union-United Nations Hybrid Operation in Darfur	07/2007
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo	07/2010
UNISFA	United Nations Organization Interim Security Force for Abyei	06/2011
UNMISS	United Nations Mission in the Republic of South Sudan	07/2011
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali	04/2013
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic	04/2014

The graphs above display that in eighteen African countries (thus, almost exactly in one third of all countries in Africa) United Nations' operations have been deployed or are currently taking place. Not only does the graph below show the fragility in the world but also illustrates that the most fragile up to collapsed states are located in Africa. The level of fragility as laid down in the Fragile States Index for the above mentioned eighteen African countries is displayed below.

available at: <https://www.un.org/en/peacekeeping/operations/current.shtml>

¹²⁹ Graph compiled by the author based on the information available at: United Nations, *List of Peacekeeping Operations 1948-2013*, available at: <http://www.un.org/en/peacekeeping/documents/operationslist.pdf>; for more information compare: United Nations Peacekeeping, *Current peacekeeping operations*, available at: <https://www.un.org/en/peacekeeping/operations/current.shtml>

Graph 2.4.3: Fragility in the World 2016¹³⁰



The Fragile States Index¹³¹ indicates the countries where UN operations took or still are taking place as followed:

Very high alert:

- Central African Republic ▼
- Chad ▲
- Congo (DRC) ▼
- Somalia ▼
- Sudan ▼
- South Sudan ▲

High alert:

- Mozambique ▼

Alert:

- Angola ▼
- Côte d'Ivoire ▲
- Eritrea ▼
- Ethiopia ▲

- Liberia ▼
- Mali ▼
- Rwanda ▼
- Sierra Leone ▲
- Uganda ▼

Elevated warning:

- Namibia

When looking at the development of these countries from 2007 to 2016 as defined by the Fragile States Index the following picture develops:

¹³⁰ The Fund for Peace: Fragile States Index 2016, 2016, p.4 f.
50

While there are strong improvements in Côte d'Ivoire, some improvements in Sierra Leone and in the Sudan¹³² an insignificant change can be noticed in Namibia. On the other hand, the index displays marginal worsening in Chad, Congo, Ethiopia, Rwanda, Somalia and Uganda as well as some worsening of the situation in Angola, Liberia, Rwanda and Somalia. For the second year in a row a critical worsening of the stability in Mali can be identified in the Fragile States Index as well as a significant worsening of the stability in Eritrea, Mozambique and the Central African Republic¹³³.

As stated in the Fragile States Index, 2015 South Sudan was the most fragile state in the world (and therewith with no doubt a failed state) for the second year in a row. In fact, it was joined by countries such as Somalia, Central African Republic and the Sudan that was ranked as 4th country in the world with a very high alert in 2015, and as 5th in 2014) as well as with the Democratic Republic of Congo¹³⁴ at the most fragile end of the Index.

The situation in the Sudan and South Sudan will be discussed in Part III of this thesis.

Summing up, it can be said that fragile statehood often involves “unfavorable, structural starting conditions” – an “interplay of mostly local violent conflicts, economic and social problem situation and/or non-democratic power structures that are linked to a difficult regional environment that cannot contribute a lot to stabilizing the situation but rather tends to aggravate the crisis instead.”¹³⁵

In this light, state building is an important preventive task that needs more attention of the international community. Even though it needs to be stated, that an intervention by the United Nations can only be mobilized by crisis, the international community tends to increase its activities especially when the cost-intensive reconstruction of state structures is already necessary.

¹³¹ Ibid, p. 6 f.

¹³² While the Fragile States Index 2016 distinguishes between the Sudan and South Sudan regarding their level of fragility it does not include South Sudan in the trend analysis. There only the Sudan is listed.

¹³³ See: The Fragile States Index 2016, p. 10 f.

¹³⁴ See: Fragile States Index 2015, p. 12

¹³⁵ Schneckener, 2006, p. 364

However, we are facing a transformation of the international system which is not only indicated by the emergence of human rights as a “basis for scrutinizing the performance of governments and other domestic actors”¹³⁶ but also by an increase as regards the relevance of humanitarian concern for the international community.

Due to the increasing exposure of

“internal dynamics to the outside world, a better understanding of these conditions has developed (...); and, with it, a concomitant rise in the level of international concern about the conditions of the masses of people trapped and victimized by internal wars and the gross violations of human rights that often follow as a consequence”¹³⁷.

“Human dignity for all people at all levels” has therefore become “a matter of cooperative security for the international community”¹³⁸.

¹³⁶ Deng, 1995, p. 217

¹³⁷ Deng, 1995, p. 218

¹³⁸ Deng, 1995, p. 217

PART II: THE UNITED NATIONS

3.1 A Brief Introduction to the United Nations History

“We all have to recognize-no matter how great our strength – that we must deny ourselves the license to do always as we please. No one nation, no regional group, can or should expect, any special privilege which harms any other nation. If any nation would keep security for itself, it must be ready and willing to share security with all. That is the price which each nation will have to pay for world peace. Unless we are all willing to pay that price, no organization for world peace can accomplish its purpose.”¹³⁹

The world leaders have established International Organizations to cooperate on specific matters on an international level since the middle of the nineteenth century. Already before the outbreak of the First World War the world leaders had realized that internationally accepted instruments were needed to do so. These instruments should not only allow to peacefully settling a crisis, but should actually to prevent them from breaking out. Moreover, they were aimed to set rules of warfare in order to limit human casualties.¹⁴⁰ As new peace framework, the United Nations was supposed to create a more stable system than it had been after the First World War and the League of Nations.¹⁴¹

It was founded by the victors of World War II – China, France, the Soviet Union, the United Kingdom and the United States, who hoped to create an organization strong enough to prevent another war.

¹³⁹ Truman, Harry S.: "Address in San Francisco at the Closing Session of the United Nations Conference", June 26, 1945. Online by Gerhard Peters and John T. Woolley, The American Presidency Project, available at: <http://www.presidency.ucsb.edu/ws/?pid=12188>

¹⁴⁰ See: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 3

¹⁴¹ The League of Nations was the forerunner of the United Nations, "an organization conceived in similar circumstances during the First World War, and established in 1919 under the Treaty of Versailles 'to promote international cooperation and to achieve peace and security.'" United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 3; compare United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 3

The purposes and principles of the United Nations are recorded in the United Nations' Charter which was signed by fifty countries in San Francisco on 26 June 1945. The delegates of those signatory powers drew up the Charter whereat they deliberated based on proposals which representatives from China, the Soviet Union, the United Kingdom and the United States had worked out in 1944.¹⁴²

At last, the United Nations officially came into existence on 24 October 1945, when the Charter was ratified by fifty signatory states – among them being the five victors of the Second World War.¹⁴³ The primary purpose of the United Nations is the protection of the world peace and the international security as stated in Article 1 of its Charter:

The Purposes of the United Nations are:

1. to maintain international peace and security, and – to that end – to take effective collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, the adjustment or settlement of international disputes or situations which might lead to a breach of peace in conformity with the principles of justice and international law;
2. to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
3. to be a center for harmonizing the actions of nations in the attainment of these common ends.¹⁴⁴

By realizing those common aims, the United Nations and its member states shall follow certain principles as outlined in Article 2 of the UN Charter:

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

¹⁴² See: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 3

¹⁴³ Poland signed the Charter later and became one of the original 51 Member States of the United Nations. Compare: Ibid, 2011, p. 3

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.¹⁴⁵

The UN is composed of many separate units that all contribute to its central purpose: the protection of world peace. Based on the defined purposes and principles, as well as on additional detailed records, as “The Agenda for Peace”¹⁴⁶, the United Nations have envisioned a framework for relations between states in order to act by cooperating instead of using force.¹⁴⁷

¹⁴⁴ Charter of the United Nations, Chapter I Purposes and Principles, Article 1

¹⁴⁵ Charter of the United Nations, Chapter I Purposes and Principles, Article 2

¹⁴⁶ Boutros-Ghali, *An Agenda for Peace*, UN Doc. A/47/277

¹⁴⁷ Charter of the United Nations, Chapter I Purposes and Principles, Article 2, para. 4

Nevertheless, in Article 51, the Charter provides a clear framework for the use of force by granting states the right as regards “individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.” States can take military action “as long as the threatened attack is imminent, no other means would deflect it, and the action is proportionate.”¹⁴⁸ As protector of the world peace the United Nations has helped to end numerous conflicts and prevented disputes from escalating into war since its creation in 1945.

During the last decades, and in fact especially following the Post-Cold War era, the way in which war is carried out, has changed dramatically. Consequently, we are only confronted with new threat scenarios but with new pattern of conflict as well. Due to modern warfare, a far greater area and therewith a larger population is nowadays effected by war than it was centuries ago.

Furthermore, the nature of conflicts has changed. We are now facing conflicts of more internal than international character; where the states’ functions do not exist, or are very limited. As a result, the individual’ fundamental rights have become increasingly abused and the world has been witnessing massive flows of refugees. This numbers often overburden neighboring countries that are confronted with the situation of housing, feeding and providing health care for those who are displaced. Consequently, both the neighboring countries that are first and foremost concerned but also the international community not only need to face logistical problems but especially the humanitarian catastrophe that comes along with the broad and severe violation of human rights caused by an increasing number of rulers. This fact has created the need for a change in the international community’s responds and therewith also for an adaption of the United Nations’ conflict management tools.¹⁴⁹

By setting up the universal intergovernmental prohibition of menace and the use of force, the United Nations set standards reaching far beyond valid international law that was introduced in 1945. The principles defined in the Charter were guidelines that were intended to establish universal conflict management standards.

¹⁴⁸ UN Doc. A/59/565, 2 December 2004, Executive Summary, p. 4

¹⁴⁹ See: United Nations Publication, *Basic Facts About the United Nations*, New York, 2000, p. 67

However, due to the change of the nature of conflicts, those principles have proven to become partially limited over the time. Especially the range of the above-stated domestic affairs, and thereby of the protection of human rights, has driven the international community to act collectively which means that its interventions are not always carried out with the consent of the parties or states concerned.¹⁵⁰

This is also expressed in the High-level Panel Report (2004) which states as follows:

“In signing the Charter of the United Nations, States not only benefit from the privileges of sovereignty but also accept its responsibilities. Whatever perceptions may have prevailed when the Westphalian system¹⁵¹ first gave rise to the notion of State sovereignty, today it clearly carries with it the obligation of a State to protect the welfare of its own peoples and meet its obligations to the wider international community. But history teaches us all too clearly that it cannot be assumed that every State will always be able, or willing, to meet its responsibilities to protect its own people and avoid harming its neighbors. And in those circumstances, the principles of collective security mean that some portion of those responsibilities should be taken up by the international community, acting in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, to help build the necessary capacity or supply the necessary protection, as the case may be.”¹⁵²

¹⁵⁰ See: Rittberger/ Zangl, 2005, p. 189 ff.

¹⁵¹ In 1648, at the end of the Thirty Years War in Europe, the Westphalian Treaty laid down the central importance of state sovereignty placing the power of the territorial state above all other actors in international relations. Therewith a system of states has been created in which the principle of mutual respect for the sovereign equality of each was central. Even though this system has been challenged today, only the continued respect for sovereignty guarantees global equity. However, respect for state sovereignty has its limits when it – for instance – comes to situations of mass atrocity. Situations like that are clearly unacceptable and are not legitimate local customs to be respected by the international community. As MacQueen states in such circumstances Westphalian sovereignty must become subordinate to global values. The external response should surely be one of solidarity within a world community. Compare: MacQueen, 2006, p. 8 f.

As a result, non-interference in domestic affairs cannot be seen as a principle anymore; especially due to the fact that chapter VII¹⁵³ of the United Nations' Charter¹⁵⁴, that enables the use of compulsory measures based on a resolution of the Security Council, itself represents the erosion of that principle.¹⁵⁵

Furthermore, the “**Responsibility to Protect**”, commonly known as “R2P”, states circumstances which obligate the interference of the United Nations in domestic affairs of a state. The concept of the Responsibility to Protect and its means for the conflict management of the United Nations are discussed in chapter 3.3 of this thesis, i.e. *The Responsibility to Protect (R2P)*.

Not only has the way in which war is carried out changed fundamentally, the different threat scenarios we are facing these days have become interlinked and more diverse than they used to be ever before. As stated by the United Nations, they nowadays extend to

- poverty;
- infectious disease and environmental degradation;
- war and violence within states;
- the spread and possible use of nuclear, radiological, chemical and biological weapons;
- terrorism and
- transnational organized crime.

These threat scenarios also make clear that no state – no matter how powerful it might be – can reasonably face them alone. However, at the same time it cannot be assumed either that every state will always be able or willing to meet its responsibility to protect its own peoples or not to harm its neighbors. Moreover, it is clear that the threats we are exposed to these days do not respect national borders.

¹⁵² UN Doc. A/59/565, 2 December 2004, para. 29, p. 21 f.

¹⁵³ For more information about legal limitations to the Security Council's measures under Chapter VII of the UN Charter compare: López-Jacoiste, 2010, p. 288

¹⁵⁴ Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

¹⁵⁵ The United Nations Security Council is the only UN unit that can authorize the use of military force against countries. It “can require all UN members to cooperate in isolating an aggressor country's economy. In the Security Council, each of the big powers – Britain, China, France, Russia and the United States – can veto any proposed action. That's because the founders of the United Nations recognized that if the Council tried to take any military action against the strong opposition of a big

On the contrary, they are interrelated and must therefore be addressed at a global, regional and national level. Therefore, the United Nations of today must fashion a new and broader understanding of a collective security¹⁵⁶¹⁵⁷ system and needs to adapt its responses to today's threats at the same time.¹⁵⁸

power it would result in war.” Libal 2007, p. 6

¹⁵⁶ The principles of collective security means – as stated in the High-level Panel Report on Threats, Challenges and Change (UN Doc. A/59/565, 2 December 2004, p. 22.) – “*that in cases where states are unable or unwilling to meet their responsibilities to protect its own people or to not harm their neighbors the international community should take up some portion of those responsibilities and act in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, to help build the necessary capacity or supply the necessary protection.*”

The founders of the United Nations meant it – when talking about collective security – in the traditional military sense: “a system in which States join together and pledge that aggression against one is aggression against all, and commit themselves in that event to react collectively”. UN Doc. A/59/565, 2 December 2004, p. 11

Furthermore, a collective security system depends on accepting that the threats which each region of the world perceives as most urgent are in fact equally so for all. Annan: *In Larger Freedom*, UN Doc. A/59/2005, 21 March 2005, p. 25

¹⁵⁷ The United Nations system of collective security rests on the complementary nature of the two articles 24 and 43 of the UN Charter. Even though still, neither of the two has been fully implemented the UN Security Council understands its power delegated to him through the Charter in a dynamic way and has not hesitated to authorize different actions under Chapter VII of the UN Charter. Compare: López-Jacoiste, 2010, p. 275

¹⁵⁸ Compare: UN Doc. A/59/565, 2 December 2004, p. 11

3.2 The Dimension of International Peace Operations¹⁵⁹ – the United Nations Blue Helmets as Conflict Management Tool

With the help of the United Nations, the international community has responded to the dynamics of conflict, the increase of different actors as well as new challenges in this field by rearranging and enhancing the range of instruments at its command. Furthermore, it has emphasized conflict prevention, continually adapted peacekeeping operation and strengthened the involvement of regional organizations as well as post-conflict peace-building.¹⁶⁰ The establishment of the trend-setting blue helmets was a direct result of these efforts. The benefits and weaknesses of UN peacekeeping as conflict management tool, which was created by UN Secretary General Dag Hammarskjöld in 1956, is discussed hereafter.

3.2.1 The Rise of United Nations Peace Operations¹⁶¹

On 7 April 1953 Dag Hammarskjöld was appointed Secretary General¹⁶² of the United Nations. At the time of his appointment, there was not only a full-scale war on the Korean peninsula but also a deep division within the organization between East and West. In addition, the Soviet Union was boycotting the Security Council since the organization refused to give the communist Chinese regime a seat on the Security Council.¹⁶³

¹⁵⁹ The term „peace operations” is used here since the evolvement of peacekeeping does not only include peace enforcement but also – as suggested fourth-generation by Kenkel (2013) peacebuilding. ¹⁶⁰ Compare: United Nations Publication, *Basic Facts About the United Nations*, New York, 2000, p. 67

¹⁶¹ A historical analysis on the evolvement of UN operations is also provided by Oliver, 2002, p. 103 f.

¹⁶² Dag Hammarskjöld (Sweden) served from 7 April 1953 to 18 September 1963 (when he died in an aircraft crash) as UN Secretary General, his predecessor was Trygve Halvdan Lie (Norway) who was UN Secretary General from 2 February 1946 to 10 November 1952, when he stepped back from his position.

¹⁶³ See: Bildt, 2011, p. 5

It was the time when rivalries of the Cold War often paralyzed the Security Council¹⁶⁴ and therewith it was everything but clear that the United Nations would be more successful than its predecessor the League of Nations. Until now the relevance of the United Nations has been its ability to constantly adapt to new challenges; as Carl Bildt claimed in 2011, the evolution and adaption of UN peacekeeping is “perhaps the most prominent example of that adaption”.

In fact, the Charter of the United Nations does not include any provision for using impartial and armed United Nations’ operations as there were no provision when the Suez Crisis erupted and the first armed¹⁶⁵ United Nations’ peacekeeping operation, the UN Emergency Force UNEF I)¹⁶⁶, was installed in November 1956¹⁶⁷ to address the Suez Crisis. During the years of the Cold War, the tasks of United Nations’ peacekeeping were limited to maintain ceasefire and to stabilize situations on the ground. Thus, United Nation peacekeeping provided support for political efforts to resolve conflict by peaceful means.

¹⁶⁴ As stated in *An Agenda for Peace* (UN Doc. A/47/277-S/24111, para. 14), the United Nations was since its creation in 1945 confronted with over 100 major conflicts with some 20 million dead. Due to the vetoes – 279 of them – of the Security Council, the United Nations was powerless to deal with many of them.

¹⁶⁵ The practice of UN peacekeeping started already in 1948 when the first UN peacekeeping mission – the UN Truce Supervision Organization (UNTSO) – and the first military observers (unarmed) in 1949 – the UN Military Observer Group in India and Pakistan (UNMOGIP) – were deployed. The availability of the mission personnel for almost immediate deployment after the Security Council decision has been an enormous contribution to the early deployment and success of those missions. Both missions continue to operate to this day. United Nations Peacekeeping, *The early years*, available at: <http://www.un.org/en/peacekeeping/operations/early.shtml>; United Nations, UNTSO United Nations Truce Supervision Organization, *Helping to bring stability in the Middle East*, available at: <http://www.un.org/en/peacekeeping/missions/untso/>

¹⁶⁶ Even though the United Nations Charter does not provide for the General Assembly the possibility to discuss or make recommendations on peace and security matters (since this is the responsibility of the Security Council) there is one exception. The General Assembly can take action in accordance with the General Assembly’s „Uniting for Peace” resolution of November 1950. The resolution “resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance for international peace and security in any case where there appears to be a threat to peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security.” UN Doc. A/RES/377(V)

This resolution was invoked only once in UN peacekeeping history, when the General Assembly established the First UN Emergency Force (UNEF I) in the Middle East.

¹⁶⁷ For more information about this mission see: United Nations, *Completed Peacekeeping*

In order to create conditions in which the negotiation of a lasting settlement can take place, these so called “first-generation” or “traditional” peacekeeping operations are deployed as interim measure as part of the management of conflict. In those days, the main function of these operations was to monitor borders and establish buffer zones after an agreement of ceasefire had been made.¹⁶⁸ Typically, the first-generation operations were composed of lightly armed national troop contingents from small and neutral United Nations’ member states.¹⁶⁹¹⁷⁰ As United Nations Secretary General Javier Pérez de Cuéllar famously described¹⁷¹, United Nations’ peacekeepers are soldiers without enemies whereby their duty is to remain above the conflict. Several United Nations peacekeeping operations fit this traditional model which was fundamentally shaped by Dag Hammarskjöld and UN General Assembly¹⁷² President Lester Parson.¹⁷³

Although *An Agenda for Peace* attempted to override the principle of consent and the minimum use of force in certain circumstances in the early 1990s, the principles of the first UN peacekeeping mission (UNEF I) still defines the essence of UN peacekeeping these days.

Operations, *UNEF I*, available at: <http://www.un.org/en/peacekeeping/missions/past/unefi.htm>

¹⁶⁸ See: Rittberger/ Zangl, 2003, p. 202 f; compare: Fröhlich, 2001, p. 192 f.

¹⁶⁹ Ramsbotham, et al, 2011, p. 149; compare: Rittberger/ Zangl, 2003, p. 203 and Kenkel, 2013, p. 125 ff.

¹⁷⁰ Since the tasks of first-generation peacekeeping operations were pure monitoring activities – and therewith passive in their nature – those operations have been accused of freezing conflicts and providing a disincentive to their final resolution. The development of second-generation peacekeeping needs therefore to be seen as an attempt to bring about conditions that can stimulate the resolution of a conflict and its underlying causes. See: Kenkel, 2013, p. 127

¹⁷¹ In his speech in January 1989 after the Nobel Peace Prize was awarded to the United Nations Peacekeeping Forces in 1988

¹⁷² On 18 February 1965, the General Assembly established with its resolution 2006 (XIX) the Special Committee on Peacekeeping Operations. It is the Committees task to conduct a comprehensive review of all issues relating to peacekeeping and to report to the General Assembly on its work through the Fourth Committee (Special Political and Decolonization Committee which deals with a variety of subjects which include – just to name a view – those related to decolonization, Palestinian refugees and human rights, peacekeeping, and University for Peace). See: United Nations, General Assembly and Peacekeeping, available at: <http://www.un.org/en/peacekeeping/ctte/CTTEE.htm>; United Nations, General Assembly of the United Nations, *Special Political and Decolonization Fourth Committee*, available at: <http://www.un.org/en/ga/fourth/index.shtml>

¹⁷³ See: United Nations, *United Nations Peacekeeping Operations, Principles and Guidelines*, 2008, p. 20 f.

Accordingly, the main principles are: ¹⁷⁴

- the consent of the conflict parties

The consent of the conflict parties provides the United Nations with the necessary freedom of political and physical action to carry out their mandated tasks. Otherwise, the operation risks becoming a party to the conflict. However, the fundamental question “consent to what?” arises nevertheless. “It means consent to the deployment of a mission, at least, and, in contemporary doctrine, consent to a political process – typically embodied in a peace agreement”¹⁷⁵. However, another question arises therewith, i.e. the question of “whose consent matters?”. The Capstone Doctrine – which will be referred to in chapter 3.3.2 of the thesis at hand – distinguishes “strategic from tactical consent, holding that a UN mission must gain and keep the consent of the main parties to the conflict, though not necessarily local ‘spoilers’.”¹⁷⁶ The doctrine further outlines that it is the challenge to determine “whether a particular ‘spoiler’ is a minor actor operating locally or a proxy for one of the main parties (...) as the DRC and the Sudan, both in Darfur and the South, illustrate”¹⁷⁷. The divergence of the consent of the main conflict parties to the deployment of a United Nations’ peacekeeping operation as well as the consent at the local level are more likely when the main parties are internally divided, weak command and control systems are in place or when armed groups that are not under the control of any main conflict party, are in the position to undermine the consent and therewith threaten the success of the peacekeeping operation.¹⁷⁸

¹⁷⁴ “The Australian Defence Force adds to the core three principles another eight: legitimacy, respect for sovereignty, credible force structure and composition, mutual respect, transparency, unity of command, interoperability, and freedom of movement.” The Princeton Encyclopedia of self-determination, *Peacekeeping/ Peace Enforcement*, available at: <http://pesd.princeton.edu/?q=node/259>

¹⁷⁵ Center on International Cooperation, 2011, p. 12

¹⁷⁶ Ibid, p. 13

¹⁷⁷ Ibid, p. 13

¹⁷⁸ United Nations Peacekeeping, *Principles of UN peacekeeping*, available at: <http://www.un.org/en/peacekeeping/operations/principles.shtml>; Compare: Ramsbotham, et al, 2011, p. 149; United Nations: United Nations Peacekeeping Operations, *Principles and Guidelines*, 2008, p.

- impartiality (commitment to the mandate)

The impartiality of the United Nations' operation is essential for maintaining the consent and cooperation of the main conflict parties.

The peacekeepers should be impartial in the sense that they must implement their mandate without any favor for or any prejudice against any party involved in the conflict. Nevertheless, this impartiality should not be used as excuse for inactivity.

The capstone doctrine describes it as follows:

“Just as a good referee is impartial, but will penalize infractions, so a peacekeeping operation should not condone actions by the parties that violate the undertakings of the peace process or the international norms and principles that a United Nations peacekeeping operation upholds.”¹⁷⁹

In this regard, peacekeepers are under pressure to always be able to clearly communicate the grounds for action which need to be well-founded in order to not threaten the credibility and legitimacy of the mission. In practice, United Nations' peacekeeping operations have always had to deal with varying levels of consent and thus with varying success in attaining the goal of true impartiality.

As history has shown, consent may be manipulated in many ways. In fact, the principle of impartiality is already challenged when UN peacekeepers give an implicit or explicit pledge to protect people. This, for example, happened when establishing the safe areas in the Yugoslav Conflict which forced the commander of the Dutch battalion to report: “My battalion is no longer willing, able and in the position to consider itself as being impartial”¹⁸⁰. To United Nations' peace operations, impartiality especially means adherence to the principles of the UN Charter.

As the Brahimi report states,

“where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil.

^{31 f.}
¹⁷⁹ Ibid, p. 33

No failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor.”¹⁸¹

- non-use of force except in self-defense and in defense of the mandate¹⁸²

As regards UNEF I, the first UN operation, Dag Hammarskjöld and the United Nations determined that the use of force was prohibited except in self-defense, as United Nations’ operations were not to be seen as enforcement tool. This principle changed in the early 1990s when the number of peacekeeping operations grew rapidly. Since then United Nations’ peacekeepers have been entitled to use force to resist attempts by forceful means to prevent the operation from discharging its duties under the mandate of the Security Council.¹⁸³

If acting in self-defense and defense of the United Nations’ operation mandate peacekeepers may therefore use force at the tactical level¹⁸⁴ provided it is authorized by the Security Council. Eventually, the Capstone Doctrine (2008) argues that the United Nations is best suited to undertake consent-based operations but states that the use of force (when mandated) might be necessary at the tactical level in order to defend the mission and its mandate.

During the Cold War period, thirteen peacekeeping operations were established and mostly deployed in interstate conflicts.¹⁸⁵ As stated, the United Nations’ Charter has neither foreseen any provisions for peacekeeping operations, nor has the UN Charter ever barred such operations.

¹⁸⁰ UN Doc. A/54/549, p. 56, para 235

¹⁸¹ UN Doc. A/55/305–S/2000/809, 21 August 2000, p. ix (Implications for peacekeeping: the need for robust doctrine and realistic mandates (paras. 48-64))

¹⁸² The use of force to defend the mandate of the mission was added to the UN peacekeeping principles after the 1990s with *An Agenda for Peace*.

¹⁸³ Compare: UN Doc. S/11052/1973, Para. 4d

¹⁸⁴ For a clear presentation of the different levels of a peacekeeping mission see graph 3.2.3.1 of this thesis.

¹⁸⁵ An exception constitutes UNONUC (UN Operation in the Congo) 1960-1964 that marks the first large-scale operation of the United Nations with nearly 20.000 military personnel deployed at its peak. The operation also illustrates the risks involved in trying to bring stability to war-torn regions. 250 United Nations personnel died while serving on that mission; including the Secretary-General Dag Hammarskjöld. Compare: United Nations Peacekeeping, *The early years*, available at:

Due to the repeated use of peacekeeping operations and the recognition of this UN action as legitimate by the international community, customary law now applies to the tradition of United Nation peacekeeping; UN Secretary General Ban Ki-moon put it in a nutshell when he said in 2014: “The continued use of United Nations’ peacekeeping by the Security Council testifies to its continuing relevance and its unique universality and legitimacy”¹⁸⁶.

Traditionally, United Nations’ peacekeeping operations have been associated with Chapter VI of the United Nations’ Charter, which deals with the “Pacific Settlement of Disputes”, even though the UN Security Council, that does not need to refer to a specific Chapter of the Charter when passing a resolution authorizing the deployment of a peacekeeping operation, has never invoked Chapter VI. The success story of the United Nations’ first-generation peacekeeping operations culminated in granting the award of the 1988 Nobel Peace Prize to the military personnel who had served as observers and UN soldiers. From 1948 to 1988, over 500,000 persons from 53 states took part in United Nation’ peacekeeping operations; 733 among them losing their lives. Until 1988 peacekeeping forces had been sent to the Middle East, Kashmir, Cyprus, the Congo and West New Guinea^{187, 188}.

Right after the Cold War, the world witnessed an extraordinary expansion of United Nations’ peacekeeping operations. The increased numbers of deployed operations came along with dramatic changes in the nature of conflicts which tended to be more frequent and especially more brutal conflicts within states than between states – in the same way they had used to be before the Cold War era when first-generation peacekeeping operations were deployed. Besides the numerical growth of peacekeeping operations and the change in the nature of a conflict, the 1990s also witnessed a fundamental change in the nature, the function and the composition of the peacekeeping operation itself – in fact, this was when the second-generation peacekeeping was born.

<http://www.un.org/en/peacekeeping/operations/early.shtml>

¹⁸⁶ UN Doc. S/PV.7196, 11 June, 2014, p. 3

¹⁸⁷ West New Guinea was, following a controversial plebiscite in 1969, formally integrated into Indonesia.

¹⁸⁸ The Nobel Peace Prize 1988, *United Nations Peacekeeping Forces – Facts*, available at: http://www.nobelprize.org/nobel_prizes/peace/laureates/1988/un-facts.html

Table 3.2.1.1: The Growth of United Nations Peacekeeping Operations¹⁸⁹

	1988	1992	1994	2000	2004	2008	2015/2016
Number of active operations	5	11	17	14	16	17	16 (2016)
Number of troop-contributing countries	26	56	76	89	103	121	123 (2016)
Military and police	9,605	11,650	75,523	37,338	62,271	87,637	100,019 (2016)
International civilian personnel	1,516	2,606	2,260	3,243	3,949	2,606	5,256 (2015)
Annual UN peacekeeping \$ b	2.30	1.69	3.61	2.22	4.5	7.4	7.87 (2016)
Total fatalities in all peace operations since 1948 until 31 August 2016	3,508						

In recent years, United Nations' peacekeeping operations have been increasingly performing operations that reach far beyond the tasks of first-generation peacekeeping and are therefore called "multidimensional peacekeeping operations". Beside the observations of ceasefire agreements and the setup of buffer zones, those new multidimensional peacekeeping operations are entrusted with tasks that should create the conditions for lasting peace; involving security, humanitarian and political objectives. This, for example, also involves the monitoring of elections, the participation in democratization processes¹⁹⁰, the conduction or monitoring of the disarming of opposing parties of a civil war¹⁹¹, the takeover of the regulatory function of state bureaucracy¹⁹² or the provision of humanitarian aid^{193 194}. With these new tasks¹⁹⁵ that had been assigned to second-generation peacekeeping operations, and the fact that the demands for political and humanitarian tasks had increased, the United Nations more and more often deployed civilian experts in these fields.

¹⁸⁹ Figure compiled by the author, sources: United Nations, United Nations Peacekeeping: *Peacekeeping Fact Sheet*, available at: <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml> and Ramsbotham, et al, 2011, p. 150

¹⁹⁰ With the UNMIBH mission in Bosnia-Herzegovina (1995-2002)

¹⁹¹ For example, UNMOT in Tajikistan (1997-2000)

¹⁹² As done for example with UNOSOM I and II in Somalia (1992-1995)

¹⁹³ For example, UNPREDEP in Macedonia (1995-1999)

¹⁹⁴ Rittberger/ Zangl, 2003, p. 204

¹⁹⁵ The United Nations has reflected the list of tasks for UN peace operations in: United Nations: Supplement to an Agenda for Peace (United Nations January 3, 1995, No 21), UN Doc. A/RES/51/242. The UN Secretary-General released this paper in 1995 on the UN's 50th anniversary. It comments on the UN's Agenda for Peace from June 1992.

Therewith, modern peace operations involved a large number of civilian personnel to an extent, size and proportionality that was unforeseeable at the time of second-generation peacekeeping.¹⁹⁶ In addition, an increased deployment of police forces was taking place.

Second-generation peacekeepers were also sent to ever more complex and dangerous settings. As Bellamy et al states it, second-generation peacekeeping takes place within a context of ongoing violence; is confronted with a changing nature of conflict; takes on new civilian tasks; must interact with an increasing number of humanitarian actors in complex emergencies; often experiences creeping shifts in their mandates; and suffers from a considerable gap in the relationship between their means and ends.¹⁹⁷

The Brahimi report of 2000 refers to the complexity of UN operations when it concludes that “it should have come as no surprise to anyone that some of the missions of the past decade would be particularly hard to accomplish: they tended to deploy where conflict had not resulted in victory for any side, where a military stalemate or international pressure or both had brought fighting to a halt but at least some of the parties to the conflict were not seriously committed to ending the confrontation. United Nations’ operations thus did not deploy *into* post-conflict situations but tried *to create* them.”¹⁹⁸

¹⁹⁶ See: Henderson/ De Coning, 2007, p. 21

¹⁹⁷ See: Bellamy, et al. 2010, 194–95, cited in: Kenkel, 2013, p. 128

¹⁹⁸ UN Doc. A/55/305–S/2000/809, 21 August 2000, p. viii

Graph 3.2.1.1: **The Change of United Nations Peacekeeping Operations**¹⁹⁹

	Cold War	Post Cold War Era
predominant conflicts	interstate	intrastate, internal
origins of conflict	ideology, power bloc rivalry	ethnic/ tribal/ religious animosities, secessionism
main threats	armed attack or invasion	civil war, human rights violations (incl. genocide), terrorism
means	deterrence, negotiation of a ceasefire, traditional peacekeeping	cooperation, mediation, modern multidimensional and multinational peace operations to achieve comprehensive peace agreements
location	state-boundaries	deterritorialization of conflict
peacekeepers	soldiers (non-permanent five of the Security Council)	soldiers, police, civilian monitors (elections, human rights), incl. permanent five of the Security Council

In addition, the composition of the second-generation peacekeeping operations has become more diverse and complex since peacekeepers are made available from a wide variety of sources – military, civilian police and diplomats – nations and cultures. As Ramsbotham (et al 2011) states, second-generation peacekeeping is multilateral, multidimensional and multination/multicultural. This development has been supported by an increase in the number of countries contributing to United Nations' peacekeeping operations.²⁰⁰ More and more often have some of the five permanent members of the UN Security Council and, above all, nations in Asia²⁰¹ and Africa²⁰² been involved and the dominant contributors of peacekeeping personnel.²⁰³

¹⁹⁹ Figure compiled by the author

²⁰⁰ "By the mid-1990s the number of countries contributing to peacekeeping missions had almost tripled, from twenty-six in the late 1980s, and this trend continued to the point where more than half the member states of the United Nations were contributing forces to UN peacekeeping missions."

Ramsbotham, et al, 2011, p. 149

²⁰¹ Bangladesh, Pakistan, India

²⁰² Nigeria, Ethiopia, Ghana

²⁰³ Ramsbotham, et al, 2011, p. 149 f.

The broader variety of tasks United Nations' multi-dimensional peacekeeping operations are assigned to are also demonstrated in the Agenda for Peace²⁰⁴ in 1992²⁰⁵ of the then Secretary General Boutros-Ghali.

Boutros-Ghali demanded a stronger engagement of the United Nations especially in connection with civil war situations and the occurrence of state collapse. The demand for a further increase of the tasks to be conducted within United Nations' peacekeeping operations was expressed. Given that the mandate of first-generation and second-generation peacekeeping can only be fulfilled when the main parties of a conflict have agreed on a ceasefire, which is clearly not given in civil war situations, UN peacekeeping operations are authorized under Chapter VII of the UN Charter to establish a secure environment. This approach, which represents the third-generation of United Nations' peacekeeping (robust peacekeeping), was applied at the UNOSOM II mission in Somalia 1993-1995 and at UNPROFOR in the Former Yugoslavia 1992-1995.²⁰⁶ Kenkel (2013) argues that peace enforcement marks the third-generation of United Nations' peacekeeping; operations, that are characterized by increased permission to use force to impose the aims of a mission's mandate. These operations are also typically deployed under Chapter VII.²⁰⁷

Due to the further development of its peacekeeping operations, the United Nations recognized the necessity to deploy operations without the consent of the main parties involved – if necessary. Nevertheless, the United Nations failed to respond in a timely manner and with sufficient financial, material and personnel resources due to their lack of operational efficiency and the indecisiveness of (especially western) member states. This inefficiency and lack of political will is dramatically displayed in the UNs failures in preventing or limiting the genocide in Rwanda 1994²⁰⁸, its heavy losses in Somalia²⁰⁹, and the Srebrenica massacre of 1995²¹⁰.²¹¹

²⁰⁴ Boutros- Ghali, *An Agenda for Peace*, UN Doc. A/47/277-S/24111, 17 June 1992

²⁰⁵ In reaction of the UN failure in Rwanda.

²⁰⁶ See: Rittberger/ Zangl, 2003, p. 205

²⁰⁷ Kenkel, 2013, p. 130

²⁰⁸ United Nations Assistance Mission for Rwanda (UNAMIR), 1993-1996

²⁰⁹ During the United Nations Mission in Somalia I (UNOSOM I) 1992-1993 and UNOSOM II 1993-1995

²¹⁰ United Nations Protection Force (UNPROFOR), 1992-1995

²¹¹ Rittberger/ Zangl, 2003, p. 205 f; Kenkel, 2013, p. 129

These three conflicts not only embody the new pattern of conflict in the post-Cold War era that span from failed states over ethnic cleansing to genocide.

The mentioned conflicts also had a possible life-threatening impact on the United Nations since they not only “provide association with failures by the international community to cope with violent conflict” but also display the “breakdown of the conceptual framework of peace-keeping and the obvious shortcomings of its procedure”²¹². As Michael Ignatieff concludes in regard to Bosnia and Rwanda: “It’s time to bury peace-keeping before it buries the U.N.”²¹³

The introduction of this third-generation peacekeeping marks the transition from the system of consensual security to collective security since the consensus of one or more parties to the conflict is not the condition for the deployment of an operation anymore.²¹⁴ The principle of non-use of force, like it was understood back in 1956, is therewith continually expanded.

Today, the UN Security Council can equip an operation with a mandate which authorizes peacekeepers to “use all necessary means” to avert attempts by forceful means that threaten the implementation of the mission’s mandate; the United Nations’ response to the lessons learnt from the failures of the three missions mentioned above. Even though the operations can appear similar on the ground, robust peacekeeping operations (Chapter VI of the UN Charter) should not be confused with peace enforcement operations (Chapter VII²¹⁵ of the UN Charter).²¹⁶

²¹² Fröhlich, 2001, p. 186

²¹³ Ignatieff, Michael: *A bungling U.N. undermines itself*, The New York Times of 15 May 2000, cited in: Fröhlich, 2001, p. 189

²¹⁴ Compare: Rittberger/ Zangl, 2003, p. 205 f

²¹⁵ UN Secretary General Javier Pérez de Cuéllar stated in his Nobel Lecture in January 1989 after the Nobel Peace Prize was awarded to the United Nations Peacekeeping Forces that Chapter VII of the Charter was a “recognition by the authors of it that the failure of the international community to deal with the aggressions of the 1930s had inevitably led to World War II.” Therefore, the authors were determined that the international community should not make this mistake again. Nobel Peace Prize 1988, United Nations Peacekeeping Forces, Nobel Lecture, January 9, 1989 by Secretary-General Javier Pérez de Cuéllar, available at:

http://www.nobelprize.org/nobel_prizes/peace/laureates/1988/un-lecture.html

²¹⁶ The Capstone Doctrine of 2008 makes this distinction between robust peacekeeping and peace enforcement. As Coning, et al (2008, p. 4) states: “*The distinction between peace enforcement and robust peacekeeping is thus not about how much force is being used, but rather about the context within which force is being used. Examples for the tactical use of force could be military actions against breakaway factions, criminal elements or spoilers that are trying to hinder the execution of the mandate, or pose a risk to civilians, aid workers and UN personnel.*”

The United Nations differentiates between these two operations as follows²¹⁷

“Robust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict.

By contrast, peace enforcement²¹⁸ does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council.”²¹⁹

As MacQueen (2006) states, the presence of an operation and its use of force is more likely to be physically contested if a state’s permission for a multilateral intervention is no longer a fundamental prerequisite for the deployment of a force. Then, it will also be required to impose outcomes on uncooperative parties by force.²²⁰ It is now common practice, that both are appointed with a Chapter VII²²¹ mandate.²²² This development was accompanied by the change of the UN principle of non-intervention.

During the 1990s, the UN Security Council started to recruit operations far more often on basis of the exemption clause of Chapter I, Art. 2, Par. 7²²³ of the United Nations’ Charter. This paragraph allows the Security Council to intervene in matters that represent a threat to the world peace or the international security.

²¹⁷ For an explanation of the difference of robust versus peacekeeping versus peace enforcement compare: Karlsrud, 2015, p. 43

²¹⁸ Boutros Boutros-Ghali, then UN Secretary General, has given this debate some formal recognition in 1992 in his already highlighted report *An Agenda for Peace* where he noted the difficulty of drawing a clear line between peacekeeping and peace enforcement and proposed the creation of peace enforcement units to be deployed in particular circumstances.

²¹⁹ United Nations Peacekeeping: *Principles of UN Peacekeeping*, available at: <http://www.un.org/en/peacekeeping/operations/principles.shtml#consent>, compare: Fortna, 2008, p. 5

²²⁰ MacQueen, 2006, p. 9

²²¹ The Chapter VII of the UN Charter fully empowers the Security Council to deal with every kind of threat that states may confront.

²²² UN Doc. A/59/565, 2 December 2004, para. 213, p. 58

²²³ Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Under Chapter VII²²⁴, Art. 39²²⁵ of the Charter, the Security Council needs to formally determine if a particular situation poses a threat to the peace or if there exists a breach of peace or an act of aggression. Article 39 provides the Council with a wide margin of discretion²²⁶ in choosing the course of action within the associated Articles 41 and 42 of the Charter.

The dilution of the principle of non-intervention was a result of the systematic expansion of the term “threat to peace”. After the Cold War, the United Nations’ increasingly considered intrastate conflicts of political as well as ethnic and religious stripe that were resolved with armed violence, and severe human rights violations within states as threat to the world peace and international security.²²⁷

²²⁴ As stated in the Capstone doctrine (2008, p. 13 f.) “*the practice of the UN Security Council – especially in recent years – to invoke Chapter VII of the United Nations Charter when authorizing the deployment of United Nations peacekeeping operations into volatile settings and at the same time denoting the legal basis for its action, can also be seen as a statement of firm political resolve and a means of reminding the parties to a conflict and the wider United Nations Community of their obligation to give effect to Security Council decisions.*”

²²⁵ *The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security. The Security Council is therewith instructed to decide upon actual facts the severity of the situation.*

²²⁶ According to López-Jacoiste is this consideration “*reinforced by the fact that the Security Council is not a “law enforcement organ”, but it enjoys unfettered discretions as a political one*”. López-Jacoiste, 2010, p. 284

²²⁷ The early enforcement operations by the United Nations against the violation of human rights started in 1991 when the Security Council declared the action of the Iraqi government against the Kurdish population in the north of the country with the resolution 688 as threat to peace. It was not only the extent of repression perpetrated against the Kurdish civilian population but also the cross-border effects – namely the massive flow of refugees and displaced persons – of the intrastate conflict that played a significant factor that cannot be underestimated. Subsequently the Security Council declared regarding the civil war in Angola with its resolution 864 (1993) that a threat for peace exists. Iraq in 1991 marks the first time that the Security Council based its decision for an intervention solely on the internal situation of a country and authorized a humanitarian intervention. See: Chesterman, Simon: *Just War or Just Peace? Humanitarian Intervention and International Law*, Oxford: Oxford University Press, 2001, p. 138 f; López-Jacoiste, 2010, p. 288

The Security Council tended to more often classify continuing severe human rights violation²²⁸ within states as threat to world peace and the international security, declared this as basis of its action under Chapter VII²²⁹ of the UN Charter and therewith upgraded the principle of human rights protection^{230 231232}.

At the same time, the emergence of regional forms of organizations created structures that sometimes complemented, but sometimes also duplicated the functions of the United Nations. Based on these circumstances the United Nations was able to take on a wider range of conflicts than before.²³³ In fact, under Chapter VIII, Art. 52, the United Nations' Charter provides for the involvement of regional arrangements and agencies²³⁴ in the maintenance of international peace and security.²³⁵

²²⁸ Although the United Nations has different tools and options at its hand to monitor and review the compliance of human rights by states, it still lacks a comprehensive and effective system. Nevertheless, a minimum level of transparency is given due to the monitoring of the United Nations whereby human rights abuses are more likely to be discovered.

²²⁹ The United Nations itself declared in its Capstone Doctrine in 2008 (p. 14) *"that it can be misleading to link UN peacekeeping with a particular Chapter of the Charter for the purposes of operational planning, training and mandate implementation. The troop and police contributing countries should rather be guided by the tasks assigned by the mission mandate, the concept of operations and accompanying mission Rules of Engagement for the military component, and the Directives on the Use of Force for the police component when assessing the nature of a peacekeeping mission and the capabilities needed to support it."*

²³⁰ Until 1990 the protection of human rights was regarded as an internal affair of states.

²³¹ Rittberger/ Zangl, 2003, p. 190 f.

²³² An innovation of United Nations peacekeeping was the preemptive deployment of UN military observer to the former Yugoslav Republic of Macedonia (UNPREDEP 1995-1999). UN contingents were posted to prevent an outbreak of hostility as before in Bosnia-Herzegovina. See: Rittberger/ Zangl, 2003, p. 204

²³³ See: Bildt, 2011, p. 6

²³⁴ UN Charter Chapter VIII, Art. 52, Par. 1: Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations; and Par. 3: Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

²³⁵ The United Nations has been increasingly cooperating with regional organizations and other actors and mechanisms provided for in the Charter. It has worked closely with the Organization of American States in Haiti, the European Union in the former Yugoslavia and the Democratic Republic of the Congo, the Economic Community of West African States (ECOWAS) in Liberia and Sierra Leone, and the Organization of African Unity (OAU) in Western Sahara, the Great Lakes region, Sierra Leone and Ethiopia and Eritrea as well as in Darfur. United Nations military observers have cooperated with peacekeeping forces of regional organizations in Liberia, Sierra Leone, Georgia and Tajikistan and the North Atlantic Treaty Organization (NATO) works alongside UN personnel in Afghanistan and Kosovo. The United Nations has cooperated with the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) in the areas of human rights, electoral assistance, peacemaking and economic development. The complex mission in Kosovo has brought together the United Nations, the European Union and OSCE. United Nations Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 77; United Nations Department of Public Information, *Basic Facts*

Under Chapter VIII, Art. 53²³⁶, Par. 1, the UN even suggests to utilize such regional arrangements or agencies for enforcement action²³⁷ under the authority of the UN Security Council^{238, 239}. Therefore, an increase of operations that were not under United Nations' aegis but by regional security organizations or coalitions of "the willing", could be observed.^{240, 241} In this regard, Kenkel (2013) highlights an important characteristic of the carrying-out of peace enforcement missions since many, if not most, of them are not conducted by troops seconded to the UN itself, but by regional organizations or coalitions of the willing and are authorized under Chapter VIII of the Charter.^{242, 243} As the global demand for peacekeeping operations outstrips the capacity of any single actor, this can be seen as a welcomed development.

Due to efforts by regional actors to develop their own abilities to plan, manage and sustain peacekeeping operations, a more flexible responsive system is established. This, on the other hand, is able to give a greater depth to its responses to threat to world peace and international security.

about the United Nations, New York, 2011, p. 67

²³⁶ Article 53 doesn't widen the enforcement power by the UN Security Council laid down in Article 41 and 42 of the Charter. Nevertheless, Article 53 widens the way in which enforcement measures may be implemented by the UN Security Council.

²³⁷ As Villani (2002, p. 540) states, the authorization of an enforcement action by a regional organization under Article 53 para1, second sentence of the UN Charter, can only deem necessary for "measures involving the use (or the threat) of armed force, because measures of a different nature are not unlawful under the Charter".

²³⁸ This paragraph also states, that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

²³⁹ The UN Security Council has authorized coalitions of member states for example to restore the sovereignty of Kuwait after its invasion by Iraq in 1991; to establish a secure environment for humanitarian relief operations in Somalia in 1992; to contribute to the protection of civilians at risk in Rwanda in 1994; to restore the democratically elected government in Haiti in 1994; to protect humanitarian operations in Albania in 1997; to restore peace and security in East Timor in 1999 and in 2006; and to protect civilians in Libya in 2011. These actions – authorized by the Security Council – were entirely under the control of the participating states and were therewith no UN peacekeeping missions which are established by the UN Security Council and directed by the UN Secretary General.

²⁴⁰ Examples are: NATO forces in Bosnia and Kosovo (Implementation Force – IFOR which took over in 1995 – 1996 from UNPROFOR, Stabilization Force – SFOR 1996-1998, Kosovo Force – KFOR 1999 to date), Nigerian peacekeeping forces in West Africa (Economic Community of West African States Monitoring Group – ECOMMOG 1990-1998), a British led International Military Advisory Team (International Military Assistance Training Team – IMATT 2000) in Sierra Leone that worked alongside but still independently of the UNAMSIL force, and the Australian military providing the leadership of the force in East Timor (International Force East Timor – INTERFET 1999-2000 when handed over to the United Nations Transitional Administration in East Timor – UNTAET).

²⁴¹ An interesting input on peace enforcement gives: Oliver, 2002

²⁴² Kenkel, 2013, p. 132

²⁴³ As Kenkel (2013, p. 132) further states is this true for the intervention in Kosovo, which is often seen as the quintessential peace enforcement mission, as well as the Australian-led International Force for East Timor (INTERFET) in 1999.

Nevertheless, we are now confronted with a situation where numerous actors and a broad agenda for peacekeeping operations are posing significant challenges in the organization. In addition, practice has shown that regional organizations ever more often adopt enforcement measures that do not involve the use of armed force and therewith do not need the authorization of the Security Council. This approach clearly offers grounds for protests or objections.²⁴⁴

Rittberger and Zangl (2003) suggest that a fourth-generation peacekeeping has developed since the mandate for the peacekeeping operations in Kosovo (UNMIK²⁴⁵) and East-Timor (UNTAET²⁴⁶) combined peacekeeping by military units with peace consolidation by civil powers. Peace consolidation is characterized by a comprehensive takeover of political and administrative responsibility by the seconded civil staff; meaning that fiduciary governance is exercised until a local and territorial self-government has been approved.²⁴⁷

Kenkel describes the fourth-generation (as peacebuilding) that

“consists of robust peacebuilding operations that combine elevated permission to use force with enhanced civilian tasks that are more intrusive in terms of their effect on local autonomy than in the second generation. These missions are sometimes described in both national doctrines and analytical literature as peace support operations.”²⁴⁸

Kenkel (2013) also suggests the development of a fifth-generation of United Nations' operations; namely hybrid operations, as e.g. UNAMID in the Sudan. These operations are characterized by a mixed command (separate chains of command and distinct forms of mandate) of troops and police personnel deployed by the United Nations and various regional organizations to the same operation. Since the mid-1990s – especially after the failures of United Nations' peacekeeping in Rwanda, Somalia and Bosnia – a growing shift of western powers toward international intervention (and therewith a withdrawn from UN operations) can be noticed.

²⁴⁴ See: Villani, 2002, p. 540

²⁴⁵ United Nations Mission in Kosovo, since 1999

²⁴⁶ United Nations Transitional Administration in East Timor (2000-2002)

²⁴⁷ See: Rittberger/ Zangl, 2003, p. 205

This has gone hand in hand with a shift in the composition of United Nations troops leaving the global South as predominant source for staffing the blue helmets.²⁴⁹ The United Nations already reacted to this development with the New Horizon report in 2009 wherein it called for the creation of a coordinated global peacekeeping system involving a broader base of contributing countries and organizations.²⁵⁰

Summarizing one could say that there has been a gradual shift from reactive UN peace operations to its direct involvement in peace processes²⁵¹ whereby the focus of most UN operations today is on operational conflict management.²⁵²

3.2.2 Restructuring United Nations Conflict Management – Trendsetting Reports and Major Reforms of United Nations Operations

The Genocide in Rwanda in 1994 was “the ground zero of UN conflict management and perhaps humanity as a whole.”²⁵³ The United Nations was not only forced not to lose its credibility but also to be willing to learn from its failures. It thus proved its remarkable capacity for self-criticism by suggesting wholly new structures of conflict management in place of old ones. Disasters like in Rwanda indicate the direction of the long-term transformation of United Nations’ conflict management.²⁵⁴

A special momentum for the evolution of the United Nations’ conflict management architecture marks the afore highlighted doctrine *An Agenda for Peace* of 1992. In this report, the then Secretary General Boutros Boutros-Ghali reflects on the United Nations’ conflict management tools in the form of conflict prevention, peacemaking, peacekeeping. Moreover, he introduces peace enforcement and highlights peace building as an important task undertaken by the United Nations.

²⁴⁸ Kenkel, 2013, p. 132

²⁴⁹ Ibid, p. 135 f.

²⁵⁰ United Nations Department of Peacekeeping Operations and Department of Field Support: *A New Partnership Agenda, Charting A New Horizon For UN Peacekeeping*, New York, July 2009, p. iii f.

²⁵¹ Compare: Kenkel, 2013, p. 125

²⁵² Ilitechv, 2015, p. 1

²⁵³ Piiparinen, 2010, p. 44

²⁵⁴ See: Piiparinen, 2010, p. 44 f.

With his doctrine, Boutros-Ghali set and called for standards within the United Nations that, once inserted, comprehensively supported the promotion, support and development for world peace.

The reflections on the new tasks for United Nations' operations with the 1995 *Supplement to an Agenda for Peace*, which comments on the United Nations' Agenda for Peace, can be seen as first response to Rwanda one year earlier. Especially notable is that the then Secretary General noted:

“One of the achievements of the Charter of the United Nations was to empower the Organization to take enforcement action against those responsible for threats to the peace, breaches of peace or acts of aggression. Neither the Security Council nor the Secretary General at present has the capacity to deploy, direct, command and control operations for this purpose, except perhaps on a limited scale.”²⁵⁵

In addition, the United Nations released two reports that had prepared the ground for a comprehensive review of the United Nations' peace and security activities.

The first report²⁵⁶ was requested by the UN General Assembly and submitted by the then UN Secretary General Kofi Annan in 1999. It examined the atrocities committed against the Bosnian Muslim population in Srebrenica – what the United Nations had designated as “safe area” in 1995. For UN Secretary General Kofi Annan, the United Nations' cardinal lesson learnt from Srebrenica was “that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion.”²⁵⁷

The second report²⁵⁸ (*Carlsson report*²⁵⁹) commissioned by Secretary General Kofi Annan and released in 1999, was an independent inquiry into the actions of the United Nations during the genocide in Rwanda in 1994.

²⁵⁵ UN Doc. A/RES/51/242, para. 77

²⁵⁶ UN Doc. A/54/549

²⁵⁷ Ibid, para. 502

²⁵⁸ UN Doc. S/1999/1257

Like the Secretary General's report on Srebrenica, the Carlsson report also determines, that there was a lack of resources and political commitment devoted to the developments in Rwanda and that the United Nations' presence there was a fundamental failure. In addition, the inquiry states that "the failure by the United Nations to prevent, and subsequently, to stop the genocide in Rwanda was a failure by the United Nations' system as a whole."²⁶⁰ Subsequently, the recommendations highlighted that the United Nations' has to be prepared to prevent acts of genocide or gross violations of human rights wherever they may take place. Special emphasize also has been given on the flow and exchange of information within the United Nations' system and it raises the issue of the composition of the Security Council. While both reports stress the failures of the United Nations' System, "they also point, with utmost clarity, to the responsibility of Member States acting (or rather no acting) through the organization".²⁶¹

The reports prepared the ground for the *Brahimi report*²⁶² released in 2000, drafted a "comprehensive review of the whole question of peacekeeping operations in all their aspects". The Brahimi report was supposed to "present a clear set of specific, concrete and practical recommendations to assist the United Nations in conducting such activities better in the future"²⁶³ by assessing the shortcomings of the then existing peace operations system. In this regard, the panel drew conclusions from the two afore-mentioned reports and gave wide-ranging recommendations for the UN Secretariat and the UN member states; especially for those serving on the UN Security Council.²⁶⁴

The panel called for renewed political commitment of the member states, significant institutional change and increased financial support.

²⁵⁹ After the former Swedish Prime Minister Ingvar Carlsson who has led the inquiry.

²⁶⁰ UN Doc. S/1999/1257, p. 3

²⁶¹ Fröhlich, 2001, p. 188

²⁶² Called after the former Algerian Foreign Minister Lakhdar Brahimi who chaired the high-level Panel on United Nations Peace Operations.

²⁶³ UN Doc. A/55/305–S/2000/809, 21 August 2000, p. i

²⁶⁴ See: United Nations, United Nation Department of Public Information: *Basic Facts about the United Nations*, New York, 2000, p. 17

Accordingly, in order to be effective, United Nations' peacekeeping operations²⁶⁵ had to be properly resourced (personnel, equipment and funding) and operate under clear, credible and achievable mandates (including the ability to use force if necessary).²⁶⁶ According to the panel, the major issues that needed to be tackled were: a) enhancing preparedness, b) speeding up deployment, c) strengthening the deterrent capacities of peacekeepers, and d) ensuring full political and financial support by member states.²⁶⁷ The report is clear when stating that the "willingness of Member States to contribute troops to a credible operation of this sort also implies a willingness to accept the risk of casualties on behalf of the mandate."²⁶⁸²⁶⁹ At the same time the report recognizes, that "memories of peacekeepers murdered in Mogadishu and Kigali and taken hostage in Sierra Leone help to explain the difficulties Member States are having in convincing their national legislatures and public that they should support the deployment of their troops to United Nations-led operations, particularly in Africa"²⁷⁰. This seems to be the only most important lesson learnt in the 1990s.

The year 2000 marked the start of a comprehensive analysis conducted by the United Nations concerning its peacekeeping experience and introduced a series of reforms to strengthen its capacity to manage, perform and sustain peace operations. Following the Brahimi report and the prioritization of conflict prevention²⁷¹ for the UN by the 55th Session of the General Assembly, the organization continued its reform efforts especially through the following main documents.

²⁶⁵ Further information on this topic is provided by Oliver, 2002, p. 103

²⁶⁶ UN Doc. A/55/305-S/2000/809, 21 August 2000, p. 9 ff.

²⁶⁷ United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 76

²⁶⁸ UN Doc. A/55/305-S/2000/809, 21 August 2000, para. 52, p. 9

²⁶⁹ Since the mid-1190s a reluctance of the member states can be noted to accept that risk. As the report states this is partly because the member states are "*not clear about how to define their national interests in taking such risks, and partly because they may be unclear about the risks themselves*". UN Doc. A/55/305-S/2000/809, 21 August 2000, para. 52, p. 9

²⁷⁰ UN Doc. A/55/305-S/2000/809, 21 August 2000, para. 105, p. 18

²⁷¹ This followed the Secretary General Kofi Annan's report on conflict prevention: UN Doc. A/55/985-

With the 2004 *High-level Panel on Threats, Challenges and Change* the UN set out a broad framework for collective security²⁷²²⁷³ and recognized the importance of post-conflict peacebuilding²⁷⁴ when stating

“The UN has often devoted too little attention and too few resources to this critical challenge. Successful peacebuilding²⁷⁵ requires the deployment of peacekeepers with the right mandates and sufficient capacity to deter would-be spoilers; funds for demobilization and disarmament, built into peacekeeping budgets; a new trust fund to fill critical gaps in rehabilitation and reintegration of combatants, as well as other early reconstruction tasks; and a focus on building State institutions and capacity, especially in the rule of law sector. Doing this job successfully should be a core function of the United Nations.”²⁷⁶

S/2001/574, 7 June 2001

²⁷² The panel states as the central challenge for the twenty-first century the design of a “*new and broader understanding (...) of what collective security means (...) and of all the responsibilities, commitments, strategies and institutions that come with it if a collective security system is to be effective, efficient and equitable*”. The panel also highlights that “*collective security today rests on three basic pillars. Today’s threats recognize no national boundaries, are connected, and must be addressed at the global and regional as well as the national levels. No State, no matter how powerful, can by its own efforts alone make itself invulnerable to today’s threats. And it cannot be assumed that every State will always be able, or willing, to meet its responsibility to protect its own peoples and not to harm its neighbours.*” UN Doc. A/59/565, 2 December 2004, Executive Summary, p. 11

²⁷³ As the *High-Level Panel report* further stresses the (para. 204) “the effectiveness of the global collective security system, (...) depends ultimately not only on the legality of decisions but also on the common perception of their legitimacy – their being made on solid evidentiary grounds, and for the right reasons, morally as well as legally” and (para. 205) “*If the Security Council is to win the respect it must have as the primary body in the collective security system, it is critical that its most important and influential decisions, those with large-scale life-and-death impact, be better made, better substantiated and better communicated. In particular, in deciding whether or not to authorize the use of force, the Council should adopt and systematically address a set of agreed guidelines, going directly not to whether force can legally be used but whether, as a matter of good conscience and good sense, it should be.*” UN Doc. A/59/565, 2 December 2004

²⁷⁴ As stated in the same report (p. 61) the deployment of peace enforcement and peacekeeping forces may be essential in terminating conflicts in the first place but is certainly not a sufficient practice for long-term recovery. Lacking serious attention for the long-term process of peacebuilding inevitably increases the relapse of a country into conflict; roughly half of all countries that emerge from war lapse back into violence within five years. See: Annan, *In Larger Freedom*, UN Doc. A/59/2005, 21 March 2005, p. 31

²⁷⁵ The 2005 World Summit followed the recommendation of the high-level panel of 2004 by establishing the Peacebuilding Commission.

²⁷⁶ UN Doc. A/59/565, 2 December 2004, Executive Summary, p. 5

With its *Peace Operations 2010*²⁷⁷ reform strategy on the “scope and tasks of United Nations’ peacekeeping, including the manner in which tasks are performed, achievements accomplished and lessons learned”, the Department of Peacekeeping Operations (DPKO) reflected in 2006 on its performance in order to “evaluate the capacities that need to be strengthened²⁷⁸ to meet the Department’s goals over the next five years.”²⁷⁹

Following the departmental reform of the DPKO²⁸⁰, the *Capstone Doctrine*²⁸¹ of 2008 outlined the most important principles and guidelines for United Nations’ peacekeepers in the field. Accordingly, the Doctrine not only refers to the principles of UN peacekeeping, the use of force when mandated and success factors of UN operations but also to the planning phase and the successful implementation of a mandate. It therewith tackles the whole cycle of the planning, deployment and maintenance of United Nations’ operation and answers to the question regarding the core business of UN peacekeeping operations.

²⁷⁷ Reporting to the General Assembly on 24 February 2006 on the financing of the United Nations peacekeeping operations (UN Doc. A/60/696), the Secretary-General, among other things, outlined a reform strategy entitled “Peace Operations 2010” setting out the policies and procedures to enable the Department of Peacekeeping Operations to support peacekeeping over the next decade.

²⁷⁸ In this regards the reform strategy sets out four areas in which the DPKO wants – beside the strengthening of the Police Division – to expand its resources: “(a) the creation of the standing police capacity approved at the Summit; (b) the strengthening of technological capacity, particularly information technology resources, by establishing more flexible and accessible software platforms for mission management and accountability; (c) the enhancement of strategic communications capacity; and (d) the establishment of conduct and discipline units throughout peacekeeping operations and at Headquarters. The Department will also continue to pursue arrangements to provide the Organization with rapidly deployable capabilities to sustain missions in crisis.” UN Doc. A 60/696, 24 February 2006, para. 20, p. 9

²⁷⁹ Ibid, para. 6, p. 6

²⁸⁰ The major structural reform took place in 2007. With the *Comprehensive report on strengthening the capacity of the United Nations to manage and sustain peace operations* (UN Doc. A/61/858) Secretary General Ban Ki-moon split the DPKO into two; creating the new Department of Field Support (DFS). In addition, resources in both departments and in other parts of the UN Secretariat dealing with peacekeeping was increased as well as the support for new activities in the DPKO. In 2010, the DFS released the Global Field Support Strategy (UN Doc. A/64/633, 26 January 2010) to transform “service delivery” to the field in order to adapt it to the requirements of modern UN peacekeeping operations. The strategy aims to provide more predictable, professional and flexible field support while ensuring cost efficiency and transparency. Compare: United Nations Peacekeeping, *Reform of peacekeeping*, available at: <http://www.un.org/en/peacekeeping/operations/reform.shtml>, compare: United Nations Peacekeeping, *Department of Peacekeeping Operations*, available at: <http://www.un.org/en/peacekeeping/about/dpko/index.shtml>; United Nations Peacekeeping, *Department of Field Support*, available at: <http://www.un.org/en/peacekeeping/about/dfs/>

²⁸¹ United Nation, *United Nations Peacekeeping Operations, Principles and Guidelines*, New York, 2008

In addition to the Capstone Doctrine, in 2009 the UN Secretary General's report on peacebuilding states that "peacekeeping's core capacities are 'support to national political processes and the provision of safety and security'"²⁸²

Besides the Brahimi report, the UN Secretariat non-paper *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*²⁸³ of 2009 guided the discussion on the new challenges the United Nations was confronted with. At that time, United Nations' peacekeeping operations were stretched in a way they had never been before. Increasingly, such operations were deployed to remote and uncertain environments as well as into volatile contexts. Legitimate concerns were expressed, "that the scale of peacekeeping had outgrown the systems in place to generate, manage and support"²⁸⁴ United Nations' operations. The non-paper therefore refers to the increasing scale and complexity of UN peacekeeping operations based on the evolving nature of demands placed on those operations. It emphasizes the need to "forge a stronger political consensus, shift the focus from quantity to quality and capabilities of troops, enhance the accountability among the stakeholders of UN peacekeeping, and develop a coherent strategy for the United Nations field support system."²⁸⁵ The non-paper is an internal document²⁸⁶ and part of the "New Horizon" process to develop a modern agenda by identifying a common future vision of United Nations peacekeeping' operations.

Most recently, *The New Horizon Initiative: Progress Report No. 1*²⁸⁷ in 2010 articulates three primary roles for peacekeepers as early peacebuilders as follows:

- articulating priorities and guiding strategy development and implementation;
- enabling other actors to implement peacebuilding tasks by providing a security umbrella, monitoring commitments, expanding and preserving political space and delivering and coordinating support;

²⁸² Cited in: Center on International Cooperation, 2011, p. 11

²⁸³ United Nations Department of Peacekeeping Operations and Department of Field Support, *A New Partnership Agenda, Charting A New Horizon For UN Peacekeeping*, New York, July 2009

²⁸⁴ UN Department of Peacekeeping Operations and Department of Field Support, *The New Horizon Initiative: Progress Report No. 2*, New York, December, 2011, p. 4

²⁸⁵ Bildt, 2011, p. 7

²⁸⁶ That reflects the perspective of the Department for Peacekeeping Operations as well as of the Department of Field Support.

²⁸⁷ UN Department of Peacekeeping Operations and Department of Field Support: *The New Horizon*

- implementing certain peacebuilding tasks directly in specific areas of capacity building such as police, justice and security sector reform.²⁸⁸

*The New Horizon Initiative: Progress Report No. 2*²⁸⁹ was issued in 2011 and outlines the progress on the implementation of reform priorities since the release of Progress Report No. 1. Progress Report No. 2 also highlights ongoing efforts to improve the effectiveness and efficiency of United Nations' peacekeeping operations in the four areas of priority; defined in the course of in-depth discussions among member states, the UN Secretariat and partners within and beyond the UN system.

The UN Secretary General's Report to the 64th session of the General Assembly and his subsequent report on the implementation of the recommendations of the Special Committee on Peacekeeping Operations²⁹⁰ reflect on the areas of priority for the Horizon Initiative which include:

- **Policy Development:** Clarifying the critical tasks and responsibilities for United Nations peacekeeping operations and its staff through the development of practical guidance in the areas: protection of civilians, peacebuilding roles of peacekeepers and the effective and robust approach of peacekeeping.
- **Capability Development:** Providing the required capabilities to support peacekeeping operations in a forward-looking and sustainable manner to ensure that peacekeepers are prepared, equipped and enabled to meet reasonable performance expectations.
- **Global Field Support Strategy:** Improving service delivery to the field by introducing a new service delivery model that includes efficient and effective support arrangements and improved accountability and resource stewardship.

Initiative: Progress Report No. 1, New York, October, 2010

²⁸⁸ Center on International Cooperation, 2011, p. 11

²⁸⁹ UN Department of Peacekeeping Operations and Department of Field Support, *The New Horizon Initiative: Progress Report No. 2*, New York, December, 2011

²⁹⁰ UN Doc. A/64/573, 22 December 2009

- **Planning and Oversight:** Ensuring more effective and inclusive arrangements for the planning, management and oversight of operations and bolstering consultations among peacekeeping stakeholders.²⁹¹

The aim of the New Horizon Initiative is to reach greater consensus on the future direction and strategy of United Nations' peacekeeping. Together, the peacekeeping stakeholders set up shared immediate, medium and long-term targets to strengthen the peacekeeping architecture. By offering a greater clarity, predictability and capacity of UN peace operations, the day-to-day challenges of running complex operations can be efficiently tackled.²⁹²

In June 2014, UN Secretary-General Ban Ki-moon highlighted four key aspects of the changing peacekeeping environment at the open debate of the UN Security Council on "New trends in UN peacekeeping operations" (from his point of view). They are:

- 1) peacekeepers are increasingly mandated to operate where there is no peace to keep;
- 2) operations are authorized in the absence of clearly identifiable parties or a viable political process;
- 3) peacekeepers increasingly face asymmetric and unconventional threats in more complex environments and
- 4) there is a renewed commitment of the Security Council to peacekeeping.²⁹³

He also asked to consider the limits of UN peacekeeping. Following this debate, UN Secretary General Ban Ki-moon appointed a *High-Level Independent Panel on UN Peace Operations* – in short "HIPPO" – in October 2014 (chaired by Jose Ramos-Horta from Timor-Leste) to make a comprehensive review of the current state of UN peace operations and emerging future needs.

²⁹¹ See: UN Department of Peacekeeping Operations and Department of Field Support, *The New Horizon Initiative: Progress Report No. 2*, New York, December, 2011, p. 5; United Nations Peacekeeping, *The "New Horizon" process*, available at: <http://www.un.org/en/peacekeeping/operations/newhorizon.shtml>

²⁹² See: Ibid.

Accordingly, for the first time²⁹⁴ since the Brahimi report of 2000, a comprehensive review of UN peace operations was carried out.

Released in 2015, the panel's report recommends the following four essential shifts:

- 1) Politics must have primacy. Lasting peace is achieved through political solutions and not through military and technical engagements alone. Political solutions should therefore always guide the design and deployment of all United Nations' peace operations.
- 2) Responsive UN peace operations. Peace operations need to be adjusted to the context. The term "peace operations" should be embraced to denote the full spectrum of responses. Investments in strengthening the underlying analysis, strategy and planning is necessary.
- 3) Stronger partnership. A stronger global-regional peace and security partnership is needed to respond to new challenging crises in the future.
- 4) A field-focused UN Secretariat and people-centered UN peace operations. The UN Headquarters should focus more on the needs of field missions and UN personnel must renew their determination to serve and protect the people.²⁹⁵

Based upon these four essential shifts, UN Secretary General Ban Ki-moon derived an action plan for the UN Secretariat that was focused on three pillars: a) a renewed focus on prevention and mediation²⁹⁶; b) reinforced regional-global partnerships²⁹⁷ and c) new ways of planning and conducting peace operations²⁹⁸.

²⁹³ See: UN Doc. S/PV.7196, 11 June, 2014, p. 2 f.

²⁹⁴ It was also the first time that an independent panel examines both peacekeeping operations and special political missions; summarized under the term peace operations.

²⁹⁵ UN Doc. A/70/95–S/2015/446, 17 June 2015, p. 10

²⁹⁶ Ibid, p. 8 ff.

²⁹⁷ Ibid, p. 10 ff.

²⁹⁸ Ibid, p. 12 ff.

By doing so, the Secretary General focused on small “steps that are being or can be taken forward in the next year” by the Secretariat and the rest of the UN system alone (but with the support from member states and other interested actors) and leaves other important aspects of the report “for consideration by his successor and member states”²⁹⁹. In any case, the implementation of the HIPPO’s recommendations is understood as major challenge.³⁰⁰

3.2.3 Procedures for the Formation of a new United Nations Operation

When various indications appear that a situation might get out of hand, the United Nations reacts to that by focusing more resources on the trouble spot like for instance by providing increased humanitarian assistance. Furthermore, increased consultations are to take place to define the best response and – therewith – action by the international community to achieve a peaceful settlement of the conflict. In this initial consultation phase all relevant United Nations’ actors, the potential host government and the parties on the ground, Member States³⁰¹, regional and other intergovernmental organizations and other relevant key external partners are involved. In addition, a strategic assessment may be requested by the UN Secretary General. Thus, a fact-finding mission or a special envoy³⁰² is likely to be dispatched to visit the conflict area in order to identify all possible options for a United Nations’ engagement.³⁰³ Once the security conditions in the country or territory of concern permits, the UN Secretariat³⁰⁴ usually deploys a technical assessment operation.

²⁹⁹ Ibid, p. 8

³⁰⁰ For more information on the report and its implementation compare: Ilitechv, 2015; Boutellis, 2013; Von Einsiedel/ Chandran, 2015

³⁰¹ Of importance are those states that might contribute troops and police to a peacekeeping operation

³⁰² The appointed special envoy is likely to operate as mediator or negotiator aiming to achieve some kind of formal agreement between the conflict parties.

³⁰³ See: United Nations Peacekeeping, *Forming a new operation*, available at:

<http://www.un.org/en/peacekeeping/operations/newoperation.shtml>

³⁰⁴ The United Nations Secretariat directed by the UN Secretary General is responsible for a broad range of UN activities. The principal departments of the Secretariat responsible for UN peacekeeping operations are the Department of Peacekeeping Operations (DPKO), the Department of Field Support (DFS) and the Department of Safety and Security (DSS). The Under-Secretaries General are heading those departments and are – with their specialist advisers – responsible for providing advice and guidance to the UN Secretary General and the Security Council on peacekeeping matters.

In the area where the deployment of a peacekeeping operation is envisaged, these operations' assignment contains the analyzation and assessment of the overall security, political, military, and humanitarian and human rights situation as well as its implications for a possible UN operation.

The UN Secretary General³⁰⁵ then issues a report to the UN Security Council, e.g. the UN organ with primary responsibility for maintaining peace and security³⁰⁶, which is based on the findings and recommendations of the UN assessment mission.³⁰⁷

With due consideration of the Secretary General's report, the UN Security Council decides on a wide range of actions that may include various humanitarian, rehabilitation, recovery and reconstruction actions etc. As previously stated, under Chapter VII of the UN Charter, the Security Council is empowered to take measures to enforce its decisions thus meaning that it can impose embargoes and sanctions or even authorize the use of force to ensure that mandates are fulfilled. Even though the Security Council has already authorized the use of military force by forming a coalition of member states or by making regional organizations or arrangements, those actions are meant as a last resort. The United Nations has no standing military or police force of its own.³⁰⁸

³⁰⁵ It is his task to then define possible options for an UN action including options for the establishment of a UN peacekeeping operation including its size and resources including financial implications and statement of preliminary estimated costs.

³⁰⁶ The UN Charter obliged the member states to accept and carry out UN Security Council decisions. Even though recommendations of other UN bodies do not have the same authority as Security Council decisions, they can influence decisions by expressing the opinion of the international community.

³⁰⁷ See: United Nations Peacekeeping, *Forming a new operation*, available at:

<http://www.un.org/en/peacekeeping/operations/newoperation.shtml>

³⁰⁸ The Security Council has the possibility – under Chapter VII, Art. 42 of the Charter – to take action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations. Furthermore, the Charter foresees in Chapter VII, Art. 47 to place troop contingents under the strategic direction of a Military Staff Committee that shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. For this purpose, the member states are supposed to “undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.” Chapter VII, Art. 43 of the UN Charter. In fact, until today no special agreement like stated in the Charter has been concluded whereby the United Nations does not have its own armed forces at its command. Although the permanent members of the Security Council instructed the Military Staff Committee in 1946 with a corresponding resolution to discuss the provision of United Nations troops, the Military Staff Committee nor the Security Council could agree on the modalities of such troops. The main obstacles were the questions of the troop strength and their stationing. Rittberger/ Zangl, 2003 p. 197

The system foresees that the member states provide the military and police personnel as well as the equipment and logistics required³⁰⁹ and therewith show, on a voluntary basis, their commitment for each operation.

If the Security Council determines that deploying a UN peacekeeping operation is the most appropriate step to take³¹⁰, it will adopt a resolution which formally authorizes the operation. The operation operates under the direction of the UN Secretary-General, i.e. usually through a Special Representative who serves as Head of Mission³¹¹ and who then reports to the Under-Secretary General for Peacekeeping Operations at the UN Headquarters.

The resolution sets out the mission's mandate and size, and details the tasks it will be required to perform. Depending on the nature of a conflict and the specific challenges it presents, mandates of UN peacekeeping operation differ from situation to situation. Since peacekeeping operations are usually installed to support the implementation of a cease-fire or peace agreement, these mandates are especially influenced by the nature and content of the agreement reached by the conflict parties.³¹²

Generally, an operation is financed by member states, assessed under the peacekeeping budget whereby troop-contributing states are compensated at a standard rate from that budget. The budget and resources are then subject to General Assembly approval.³¹³

³⁰⁹ The number of troops deployed by the United Nations is the second largest after the United States.

³¹⁰ The United Nations Charter states under Article 25 that all members of the United Nations accept and carry out decisions of the Security Council. Fifteen members are assembling the Security Council; five permanent and 10 non-permanent members who represent their regions and are elected by the General Assembly for a period of two years. To pass a Security Council resolution nine votes – every member state to the Security Council has one vote – are necessary (provided that there is no veto of a permanent member).

³¹¹ The increase of civilian staff in modern peace operations also shows through the management of those missions. “*Since 1989, appointing a civilian head of mission, normally in the form of a Special Representative of the Secretary-General (SRSG) in UN missions, has become the norm.*” Henderson/De Coning, 2007, p. 21

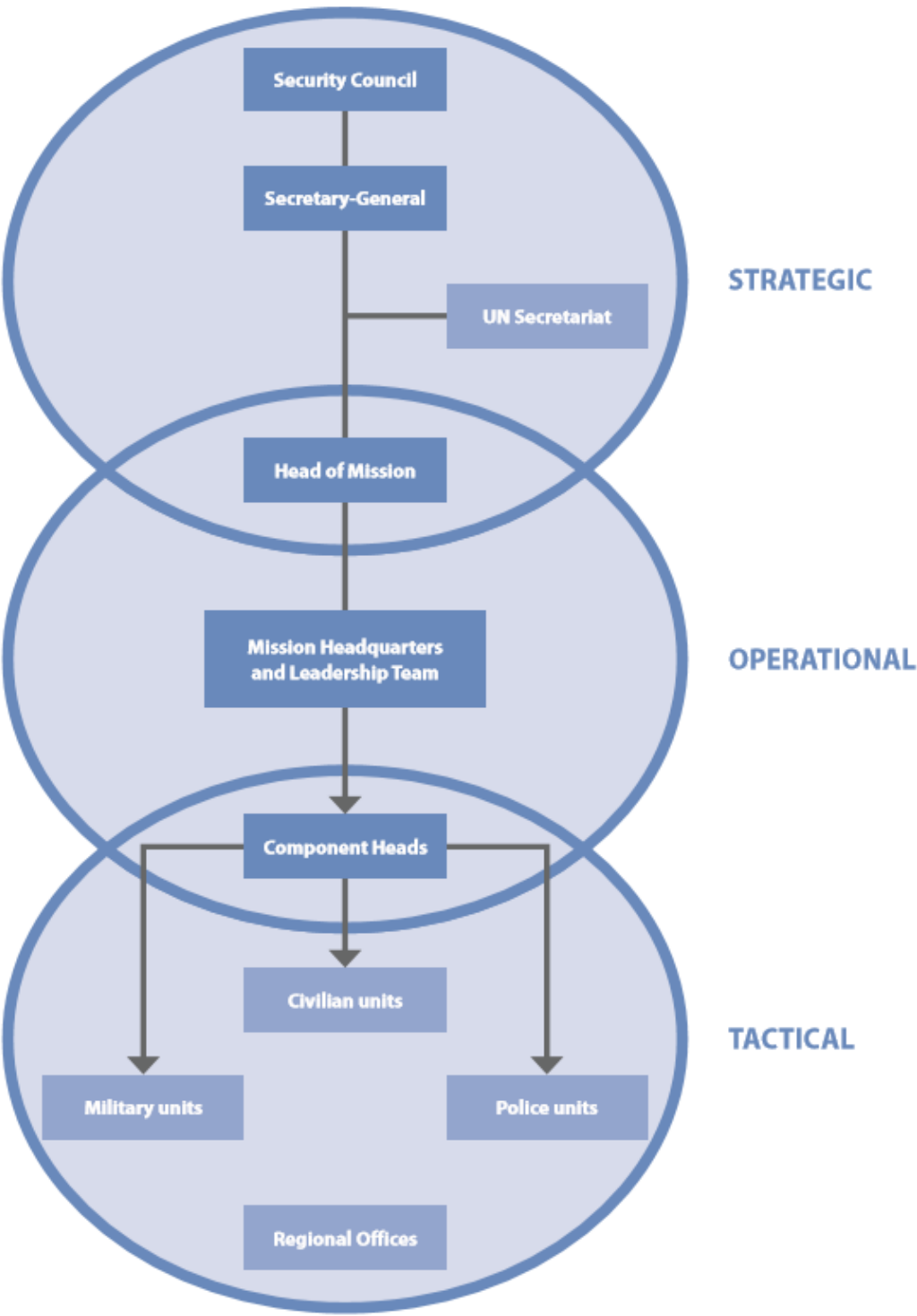
³¹² See: Peace Operations Training Institute, *Principles and Guidelines for UN Peacekeeping Operations*, 2010, p. 19; Rittberger/ Zangl, 2003, p. 203

³¹³ See: United Nations, United Nations Peacekeeping: *Forming a new operation*, available at: <http://www.un.org/en/peacekeeping/operations/newoperation.shtml>; Compare: United Nation Department of Public Information: *Basic Facts about the United Nations*, New York, 2011, p. 64

The terms of participation, thus including command and control arrangements, are carefully negotiated by the Member states³¹⁴ whereby they retain ultimate authority over their own military forces.

³¹⁴ Special importance is given the UN Security Council, the UN Secretary General, the main parties of a conflict and the troop contributing countries when discussing the definition and the content-related design of a peacekeeping operation. The Secretary General needs to determine in a special agreement regarding the guidelines of the operation, together with the main parties of a conflict, the area of application, the operational purpose, the competences of United Nations personnel etc. This agreement of guidelines needs to be approved by the UN Security Council. Furthermore, it is the task of the UN Secretary General to request the necessary personnel and the required troop contingents from the UN member states and to coordinate their application with the participating states. Rittberger/Zangl, 2003, p. 203

Graph 3.2.3.1: **Authority, Command and Control in Multidimensional³¹⁵ United Nations Peacekeeping Operations³¹⁶**



³¹⁵ Multidimensional United Nations peacekeeping operations are comprising a mix of military, police and civilian components working together to lay the foundations of a sustainable peace.

³¹⁶ United Nations: *United Nations Peacekeeping Operations, Principles and Guidelines*, 2008, p. 67

Depending on the nature of the mission, a Force Commander or Chief Military Observer³¹⁷ is responsible for the military aspects of the operation, although the various military contingents³¹⁸ answer to their own national defense entities.

The independence of the peacekeepers as well as the loyalty to the principles of the United Nations are displayed through the fact that peacekeepers wear their country's uniform with a United Nations' blue helmet or beret and a badge, which clearly identify the troops as United Nations' peacekeepers.³¹⁹³²⁰

Even though peacekeeping is only a small part of the range of the operations that the United Nations' can and does deploy, the blue helmets are worldwide recognized as the most visible sign of a United Nations' operation. "Peacekeeping is the single activity for which the United Nations is most known, and it is the most effective tool available to the international community for the maintenance of peace and security."³²¹

³¹⁷ The UN Secretary General also appoints a Police Commissioner and senior civilian staff.

³¹⁸ Civilians on the contrary are recruited or volunteer from around the world.

³¹⁹ See: United Nations Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 64 and United Nations Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 72

³²⁰ The Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) are responsible for staffing the civilian components of a peacekeeping operation. The Head of Mission and the DPKO-DFS lead the planning for the political, military, operational and support (i.e., logistics and administration) aspects of the peacekeeping operation. The planning phase usually involves the establishment of a Headquarters-based joint working group or integrated mission task force, with participation of all relevant UN departments, funds and programs. The Deployment of an operation proceeds as quickly as possible, taking into account the security and political conditions on the ground. It often starts with an advance team to establish mission headquarters and leads to a gradual build-up to encompass all components and regions, as required by the mandate. Civilian staff of peacekeeping operations are international civil servants, recruited and deployed by the UN Secretariat. The Secretary-General will then provide regular reports to the Security Council on the implementation of the mission mandate. The Security Council reviews these reports and briefings, and renews and adjusts the mission mandate, as required, until the mission is completed or closed. United Nations Peacekeeping, *Forming a new operation*, available at: <http://www.un.org/en/peacekeeping/operations/newoperation.shtml>

³²¹ Peace Operations Training Institute, *Principles and Guidelines for UN Peacekeeping Operations*, 2010, p. 16

3.3 The Responsibility to Protect (R2P)

“the essence of being a sovereign country these days is not just protection from outside interference- rather it’s a matter of states having positive responsibilities for their own citizens’ welfare, and to assist each other”³²²

3.3.1 The Origin of R2P

In addition to the complex task of conflict management and new possibilities of warfare, the tendency to increasingly carry out wars on an intrastate rather than on an interstate basis can be observed. Besides this change in the nature of conflict, the multilateral system also needed to respond to the increasingly brutal effects these new conflicts have on civilians.³²³ As stated above, this development creates a new situation to deal with since the principle of non-interference in a state’s internal matter was for a long time a major and internationally accepted good.

The Charter of the Nuremberg Tribunal in 1945 started off the recognition in international law that crimes against humanity can be committed by a government against its own people and that these crimes do not necessarily need to happen during times of war.³²⁴ In 1945, the UN Charter also recognized the rights of human beings which were then more grandly and explicitly outlined in the Universal Declaration of Human Rights³²⁵ in 1948.

³²² A statement made by Francis Deng, former Sudanese diplomat Francis Deng as the Representative of the UN Secretary-General on Internally Displaced Persons (IDP) from 1992 to 2004 and UN Secretary-General Special Advisor on the Prevention of Genocide from 2007 to 2012 reproduced in: Evans, 2008, p. 36

³²³ See: International Peace Institute, No. 7, 2009, p. 1

³²⁴ See: Evans, 2008, p. 19

³²⁵ The Convention was adopted by the resolution 217 (III) A of the United Nations General Assembly on 10 December 1948 during its 183rd plenary meeting; the text of the Human Rights Convention, UN Doc. A/RES/217 (III), available at: [http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217\(III\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217(III)); compare: United Nations Human Rights Office of the High Commissioner, *The Core International Human Rights Instruments and their monitoring bodies*, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

The Human Rights Declaration was adopted by the UN General Assembly which, for the first time, set out that fundamental human rights needed to be universally protected. This Declaration “gave voice to the growing normative consensus that states have an obligation to respect human rights – an obligation that is simultaneous with, and perhaps even overrides, the right to sovereignty.”³²⁶

Back in 1948, the members of the United Nations had also agreed upon the Convention on the Prevention and Punishment of the Crime of Genocide³²⁷. According to Article 1 of the convention, the UN member states confirmed that “genocide, whether committed in time of peace or in time of war, is a crime under international law”. Furthermore, the member states were also obligated under the international law (according to the Genocide Convention) *to prevent and to punish genocide*. Under Article 2, the Convention³²⁸ defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”.³²⁹ Even though this responsibility has not always been successfully implemented, the prevention of a severe crime and therewith the prevention of conflict is once again the heart of this United Nations’ agreement.

Another important step towards the emergence of the Responsibility to Protect was the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights³³⁰ in Vienna on 25 June 1993³³¹.

³²⁶ Etzioni, 2016, p. 8

³²⁷ The Convention was adopted by the United Nations General Assembly (UN Doc. A/RES/3/260) on 9 December 1948 and entered into force on 12 January 1951.

³²⁸ The case Bosnia versus Serbia after the massacre in Srebrenica marked the „practical” test for the Genocide Convention. The International Court of Justice (ICJ) decided, that even though Serbia had not itself committed genocide, it is culpable for failing to prevent it. This case showed, that the legal definition of the Convention is so narrow, that only few behaviors by individuals or governments can be actually be caught by it. See: Evans, 2008, p. 20

³²⁹ Article 3 of the Convention specifies that not only Genocide but also the conspiracy to commit genocide; direct and public incitement to commit genocide; the attempt to commit genocide; and the complicity in genocide shall be punishable.

³³⁰ „Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible”. United Nations Human Rights Office of the High Commissioner, *Your Human Rights?*, available at: <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>; the Universal Declaration of Human Rights was adopted by the UN General Assembly on 10 December 1948 during its 183rd plenary meeting in Paris, UN Doc. A/RES/3/217 A

³³¹ See: United Nations Human Rights Office of the High Commissioner, *Vienna Declaration and Programme of Action*, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

In the context of the Vienna World Conference, the international community once more confirmed that “human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments”³³² as well as the “inalienable right of self-determination”³³³. It also reaffirms the

“solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.”³³⁴

In para. 4 of the Declaration, the international community determines that the

“promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community.”³³⁵

The Vienna Declaration on Human Rights is still of high importance regarding the Responsibility to Protect, since it “contains a core principle regarding the controversial question of sovereignty versus intervention”³³⁶ and basically stresses, that the concern for the compliance of human rights in other states cannot be interpreted as interference in a state’s internal affairs.

³³² United Nations Human Rights Office of the High Commissioner, Vienna Declaration and Programme of Action, para. 2, p. 2, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

³³³ Ibid, para. 2, p. 2

³³⁴ United Nations Human Rights Office of the High Commissioner, Vienna Declaration and Programme of Action, para. 1, p. 2, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

³³⁵ United Nations Human Rights Office of the High Commissioner, Vienna Declaration and Programme of Action, para. 4, p. 3, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

³³⁶ Winkler, 2014, p. 34

The compliance of human rights towards its citizens and every person on its territory is also a commitment towards the international community and therefore cannot be seen as solely internal.³³⁷ Nevertheless, the responsibility for the protection of its own people is first and foremost the duty of the country and therewith of the national government.

The concept of state sovereignty is, connected with the monopoly on the legitimate use of force; but at the same time encourages non-intervention. This system “seems to ignore the importance of fundamental human rights, such as the right to live, by focusing on state sovereignty instead of the rights of individuals.”³³⁸ The Charter of the United Nations displays this conflict in its Preamble when its member states promise to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person”, but also to “practice tolerance and live together in peace with one another as good neighbours”³³⁹. In Article 2 (7), the United Nations’ Charter further states: “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter”.

Once created in the light of the last World Wars, this passage serves national governmental aggressors in the repression of their population today. As discussed later, when the concept of the Responsibility to Protect first came up it was quickly perceived as a concept of interference by the North into internal affairs of the South, i.e. as a concept for intervention. Nearly every discussion on the relationship of sovereignty and human rights has resulted in the question of which approach should take precedence over the other.³⁴⁰

This interpretation of the Responsibility to Protect is in so of interest, as the Constitutive Act of the African Union states under Article 4 (h) “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity”³⁴¹.

³³⁷ See: Winkler, 2014, p. 34; The Vienna Declaration states in para. 4 that the “promotion and protection of all human rights is a legitimate concern of the international community”.

³³⁸ Wegscheider, 2012, p. 360

³³⁹ The United Nations, ‘*Charter of the United Nations*’, 26 June 1945, Preamble. Available at: URL: <http://www.un.org/en/sections/un-charter/preamble/index.html>.

³⁴⁰ See: Evans, 2008, p. 3

³⁴¹ The Constitutive Act of the African Union which sets out the framework of the Union was signed on 11 July 2000 in Togo and is available at: <http://www.achpr.org/files/instruments/au-constitutive->

Therewith the African Union itself states in its statutes, that severe crimes are not considered as internal affairs whereby this article also implies a responsibility and obligation of the members of the African Union to act if human rights violations or fundamental and serious violations of people's rights take place in another member state. The concept of intervention³⁴², which is only one part of the Responsibility to Protect, is therewith not an invention of the wealthy North and a tool that is used against the poor South but rather an already recognized measure to protect the citizens of a state and all people on its territory from an arbitrary use of force against them.

Bellamy (2009) resolves this question by stating that there is in fact no contradiction between these two ideas, arguing that sovereignty is based upon the right of a nation's people to choose the form of government they favor. Sovereignty is therefore based upon the fundamental human right to liberty. Consequently, there is no real foundation to the supposed conflict between sovereignty and human rights, and sovereignty cannot justifiably be considered an obstacle to intervention.³⁴³

History has shown that international intervention is not always motivated by humanitarian concerns alone, and that different members of the international community do not always have the same perception or attitude towards humanitarian issues.³⁴⁴ Additionally, history has shown that there are limits to the respect of national sovereignty; one of the most "prominent" examples of this limitation probably being Adolf Hitler and his vision of a *Herrenvolk* (master race) in sovereign Germany. Sovereignty has therefore never been nor will it ever be absolute.³⁴⁵

act/au_act_2000_eng.pdf

³⁴² The legal framework for intervention in the light of genocide, war crimes and crimes against humanity is according to UN Secretary-General Kofi Annan (1998) already provided by universal norms that the UN Charter, the international humanitarian law, the human rights law and the refugee law contain. He also argued, that an intervention (which covers a wide range of actions, e.g. the creation of "safe areas" or sanctions) always needs to be fairly and consistently applied in order to get the support of the worlds people. See: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2000, p. 71; The Genocide Convention (Genocide has been outlawed since 1948 but mass atrocities still take place on a regular basis) as others show, that norms and legal obligations only have an indirect effect on the actions of states; nevertheless, they matter. Compare: Feinstein, 2007, p. 6

³⁴³ See: Bellamy, 2009, p. 13 f.

³⁴⁴ See: Bellamy, 2009, p. 1f.

Moreover, given that before the twentieth century sovereign states had a legal right to expand their territory and conquer, subjugate or annex others, non-intervention and sovereignty are not historically linked.³⁴⁶ Consequently, non-intervention is not an obligation that has evolved over time. Accordingly, sovereignty never implies a right for the ruling regime to reign in whatever manner it desires. By underlining the responsibility of states and the wider international community to act in cases of mass atrocities, the Responsibility to Protect tackles exactly this point. This implies action that can be political, diplomatic, economic or military.³⁴⁷ Thus, the “United Nations are attempting to remove some of the obstacles and excuses which have previously characterized their response (or lack thereof) to many intrastate conflicts”^{348, 349}

Still, it is clear that ways that do not include the use of force are always preferred. This is not only true because they are politically and economically easier to install and obtain, but also because they avoid far more a military intervention – let alone the risk of war. In addition, they can be more effective; especially if they are applied with the consent of the government in question.³⁵⁰

Yet, the international community has always been very well aware of the need for this protection since internal displacement affects several million people worldwide every year – people, who are expelled from their homes by violent conflicts, gross violations of human rights and other traumatic events, but remain within the borders of their own countries.

In the 1990s, the need for international standards to protect IDPs³⁵¹ already became more than evident

³⁴⁵ Compare: Etzioni, 2016, pp. 7-9

³⁴⁶ See: Wegscheider, 2012, p. 361

³⁴⁷ Report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, December 2001, p. 29 and 31, available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

³⁴⁸ Wegscheider, 2012, p. 361

³⁴⁹ “It is an illusion to assume that conflicts in Africa will have no effect on security outside the region. To date, countries’ unwillingness to engage in conflicts that do not immediately affect them exacerbates conflict dynamics more than it enhances the opportunities for sustainable development and peace.” Wegscheider, 2012, p. 358

³⁵⁰ See: Feinstein, 2007, p. 18

“when the number of persons uprooted within their own countries by armed conflict, ethnic strife and human rights abuse began to soar. When first counted in 1982, only 1.2 million people were IDPs in 11 countries. By 1995, there were an estimated 20 to 25 million in more than 40 countries, almost twice as many as refugees.”³⁵²³⁵³

In 1998, then UN Secretary-General, Kofi Annan, started the discussion of what action was necessary when a state did not fulfil its obligation to protect the people on its territory by asking: “Should the international community intervene in a country to stop gross, systematic and widespread violations of human rights?”³⁵⁴ He thereby argued for an agreement to protect civilians against gross human rights violations with the effect, that today it is no longer the question whether, “but when and how the international community should intervene to protect populations against these crimes”³⁵⁵.

Accordingly, the Responsibility to Protect should provide an alternative to the concept of humanitarian intervention disputed under international law. It was considered especially controversial when carried out without the UN Security Council Chapter VII’s approval. In 1995, the Commission on Global Governance recommended that the United Nations should elaborate “legal opportunities for armed humanitarian intervention under specific circumstances.” The Commission suggested

“the ‘acceptable basis for humanitarian Action’– which it grounded in the fundamental principle that ,all states have an obligation to protect [the right of all people to a secure existence]’ – is extraordinarily vague:

³⁵¹ Internally Displaced People

³⁵² Internal Displacement Monitoring Center, *The Guiding Principles on Internal Displacement: General Presentation*, p. 1, available at: http://toolkit.ineesite.org/toolkit/INEEcms/uploads/1069/Guiding_principles_on_internal_displacement.pdf

³⁵³ Alone in 2015 8.6 million new people in 28 countries were displaced due to conflict and violence and 119 new displacements in 113 countries as a result of disasters. At the end of 2015 a total of 40.8 million people was internally displaced worldwide due to conflict and violence. Sudan and South Sudan are since 2003 every year under the top ten countries with the largest displaced population. Compare: Internal Displacement Monitoring Centre, *Grid 2016, Global Report on Internal Displacement*, available at: <http://www.internal-displacement.org/globalreport2016/#ongrid>

³⁵⁴ Cited in: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 63

,The line separating a domestic affair from a global one [that is, one validating intervention] cannot be drawn in the sand, but all will know when it has been crossed.’’³⁵⁶

Another definition suggests that humanitarian intervention, authorized by the UN Security Council, “should be undertaken whenever a humanitarian crisis escalates to the point that it poses a threat to international peace and security.”³⁵⁷ Due to the fact that no generally accepted legal definition³⁵⁸ on the concept of humanitarian intervention exists, the concept of the Responsibility to Protect should not only provide an alternative to its forerunner but especially provide a concept that can be generally agreed upon.

3.3.2 The Emergence of R2P

The International Commission on Intervention and State Sovereignty (ICISS) first discussed the concept of the Responsibility to Protect (R2P) in 2001³⁵⁹. ICISS was then established by Canada³⁶⁰ “as a response to UN Secretary-General Kofi Annan’s call to resolve the perceptible tension between state sovereignty and human rights”^{361 362}.

³⁵⁵ Ibid, p. 63

³⁵⁶ Etzioni, 2016, p. 11

³⁵⁷ Etzioni, 2016, p. 11; For more information on the concept of humanitarian intervention see: Jayakumar, 2012, available at: <http://www.e-ir.info/2012/02/06/humanitarian-intervention-a-legal-analysis/>, compare: Goodman, 2006

³⁵⁸ However, the essential characteristics include: a) the use of military force, b) the absence of the permission of the state in question, c) the aim to protect civilians in a state, d) action with, or even without the permission of the UN Security Council. See: Silva, 2012, p. 189

³⁵⁹ The release of the ICISS report on the Responsibility to Protect in 2001 was devastating for the concepts first perception since it was published in the light of the 2001 terrorist attacks in the United States. Thus, the debates about the prevention of another Rwanda, Somalia or Kosovo were replaced by considerations about appropriate measures to prevent terrorist attacks. In addition, the invasion in Iraq fueled the perception that this concept would serve as another argument for the powerful countries to enforcing their will on the powerless. See: Deller/ Chhatpar, 2006, p. 2

³⁶⁰ Canadas Minister of Foreign Affairs played a leading role in the establishment of the ICISS.

³⁶¹ Wegscheider, 2012, p. 359

³⁶² Even though the concept of R2P as outlined by ICISS was afterwards limited ongoing crisis like the one in Darfur showed the world that more needs to be done to react to genocide and other massive

It is also a direct response to the intervention of the North Atlantic Treaty Organization's (NATO) intervention in Kosovo (1999), the question of legality regarding the Organizations action and the inability of the UN Security Council to react.³⁶³

Even though numerous attempts had been made to clarify R2P's ideas, the concept remained mistaken for "a doctrine that legitimizes the use of military aggression by the global North against other countries, particularly of the global South, to bring about regime changes"³⁶⁴ for a long time.³⁶⁵ R2P rather implies the international community's responsibility to react with the aim to protect populations with the support of the United Nations in cases where a state is unable or unwilling to step in. The use of force is thereby only seen as a last resort. The new terminology used in R2P introduced a shift from the focus of military intervention to "a wider continuum of responsibilities; it implied a focus on the victim's perspective"³⁶⁶.

In 2003, the UN Secretary-General's High-Level Panel on Threats, Challenges, and Change was tasked to conduct an in-depth study on geopolitical and security issues in the light of the 2005 World Summit. In 2004, the High-Level Panel published its report *A More Secure World: Our Shared Responsibility*. The *Panel* stressed that with

"the signing the Charter of the United Nations, States not only benefit from the privileges of sovereignty but also accept its responsibilities. Whatever perceptions may have prevailed when the Westphalian system first gave rise to the notion of State sovereignty³⁶⁷, today it clearly carries with it the obligation of a State to protect the welfare of its own peoples and meet its obligations to the wider international community."³⁶⁸³⁶⁹

human rights abuses.

³⁶³ Silva, 2012, p. 193 f.

³⁶⁴ Wegscheider, 2012, p. 359

³⁶⁵ Also seen as a right to intervene.

³⁶⁶ Bellamy, 2009, p. 45

³⁶⁷ Since, as already outlined, the United Nations member states agreed upon and are therefore obligated to protect their citizens as well as everybody else on their territory including citizens of and people in other countries from human right abuses, there is a new recognition (as the report of the UN Secretary-General underlines) that the "primacy of state sovereignty in the Westphalian order is outmoded". Silva, 2012, p. 10

³⁶⁸ United Nations, *Report of the High-Level Panel on Threats, Challenges, and Change: A more*

However, the report also stressed that the fulfillment of this responsibility could be assumed and that in this case,

“the principles of collective security mean that some portion of those responsibilities should be taken up by the international community, acting in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, to help build the necessary capacity or supply the necessary protection”³⁷⁰.

Furthermore, the High-Level Panel outlined the growing recognition that the discussion was not about a “right to intervene”, but about the “responsibility to protect” of “every State when it comes to people suffering from avoidable catastrophe”³⁷¹. The High-Level Panel picked up some recommendations of the ICISS³⁷² through its affirmation that sovereignty also comes with certain responsibilities, its declaration that an “international responsibility to protect spans a continuum of prevention, response to violence”³⁷³ and a responsibility to rebuild. Without the reference through the High-Level Panel report and its urge to include the R2P concept in the 2005 World summit, the concept would probably have had little resonance³⁷⁴.

The recommendation by the Panel was supported by the Secretary-General Annan who also included the R2P concept in his highly-noticed report *In Larger Freedom*, in which he argues³⁷⁵:

secure world: Our shared responsibility, Executive Summary, (Part 1, C, para. 29), 2004, p. 17

³⁶⁹ Annan’s statement underlines the obligation of the international community under the International Law to protect both, individual sovereignty as much as state sovereignty.

³⁷⁰ United Nations, Report of the High-Level Panel on Threats, Challenges, and Change: A more secure world: Our shared responsibility, Executive Summary, (Part 1, C, para. 29), 2004, p. 17

³⁷¹ Ibid, (Part 3, para. 201), p. 65

³⁷² „The panel’s report was far more wide-ranging in scope than the ICISS report, following a human security approach that linked together poverty, disease, and environmental degradation with conflict both within and between states, terrorism, proliferation of weapons of mass destruction, and transnational organized crime.” Evans, 2008, p. 44

³⁷³ Deller/ Chhatpar, 2006, p. 3

³⁷⁴ See: Evans, 2008, p. 13

³⁷⁵ See: Evans, 2008, pp. 4-6

“where threats are not imminent but latent, the Charter gives full authority to the Security Council to use military force, including preventively, to preserve international peace and security. As to genocide, ethnic cleansing and other such crimes against humanity, are they not also threats to international peace and security, against which humanity should be able to look to the Security Council for protection?”³⁷⁶

Annan even recommended the Security Council to adopt a relevant resolution through which R2P was finally granted a place on the agenda of the World Summit³⁷⁷.³⁷⁸ Thereafter, the 2005 World Summit outcome outlined the responsibilities of states in paragraph 138 and 139³⁷⁹:

“138. Each 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. (...) The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter of the United Nations, to help protect populations from [these crimes] (...).

³⁷⁶ Annan, *In Larger Freedom*, UN Doc. A/59/2005, 21 March 2005, p. 33

³⁷⁷ The UN World Summit is held at the level of Heads of State or Government of all UN member states. The outcome of the Summit is a resolution of the UN General Assembly and therewith express the political commitment of the member states on the in the outcome included topics.

³⁷⁸ „The Secretary-General and key governments from the global south shifted the focus away from a debate about use of force and toward a normative and moral undertaking described by several delegations as “I am my brother’s keeper.” Deller/ Chhatpar, 2006, p. 3

³⁷⁹ UN Doc. A/60/L.1, 15 September 2005, p.31

In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.³⁸⁰ (...) We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.”³⁸¹

The universal adoption at the World Summit³⁸² went relatively unnoticed, even though the embrace of this principle was a “turning point in how states define their rights and responsibilities”³⁸³ even though the concept was not new but most of it actually had already been applied in international law.

However, until then, it had never been formalized and put down with the consequences of the R2P concept.³⁸⁴ In fact, the Responsibility to Protect recognizes three elements: a responsibility to prevent, a responsibility to react, and a responsibility to rebuild.

³⁸⁰ The concept does not include what happens, if the UN Security Council fails to agree. On the contrary the concept clarifies, that it is the responsibility of the Security Council to act if the crimes displayed in para. 39 are committed. Until now the Security Council was according to the UN Charter only authorized to take action when international peace and security were threatened. In cases of human rights abuses the UN Security Council needed to argue that a situation also posed a threat to other countries and that therewith international peace and security was threatened. The Responsibility to Protect therefore includes a clear commitment of the UN member states that the UN Security Council can act in cases of severe human rights abuses. The members of the UN Security Council, and especially the permanent members of it, therewith gained a particular responsibility. Compare: Winkler, 2014, p. 40 f.

³⁸¹ The draft document of R2P “included a request that the P5 refrain from using their veto in cases of genocide, war crimes, ethnic cleansing and crimes against humanity and it recognized an international ‘obligation’ to use all diplomatic, humanitarian and other peaceful means to help protect populations which translated into a ‘shared responsibility’ to take collective action through the Security Council when necessary”. Bellamy, 2009, p. 84 f.

³⁸² Following the 2005 World Summit UN Secretary-General Ban Ki-moon appointed in 2008 (until 2012, since July 2013 Jennifer Welsh serves as new Adviser) Edward Luck as UN Special Advisor with focus on the Responsibility to Protect; whose tasks are the conceptual, political and institutional development of R2P.

³⁸³ Feinstein, 2007, p. 3

The responsibility to prevent aims at addressing the root causes and other direct man-made causes of a conflict through actions linked to the building of state capacity, the removal of grievances or the securing of the rule of law³⁸⁵. Consequently, it is considered the most important dimension of R2P. Furthermore, the concept of R2P always asks to consider the less intrusive and coercive measures before the more coercive and intrusive ones are applied.³⁸⁶

It goes without saying that – not only in terms of costs but also in political, economic and human terms – it is always the most effective to protect the wellbeing of people around the world by acting as soon as a conflict occurs.³⁸⁷ Thus, the main question stays when is actually the right time to step in? Certainly, it is the time to act when people are threatened by genocide, war crimes, ethnic cleansing and crimes against humanity.³⁸⁸ Facing immense demands caused by an increase especially in interstate war, the UN struggles to provide effective conflict prevention. As a result, the UN primarily focuses on responding to the symptoms of conflict and war rather than on its prevention. However, in order to achieve international peace and security, the members of the United Nations have also agreed to its shared responsibility to provide the needed resources.

In addition, the UN member states also have the responsibility to react in a timely and decisive manner if a government is unable or unwilling to protect its population; whereby the use of force is only acceptable in extreme cases and emergencies and must be seen as last resort. According of the concept of R2P, the focus is rather on non-military intervention.

Finally, the R2P concept is completed by the responsibility to rebuild. Accordingly, it requires member states to provide full assistance with recovery, reconstruction, and reconciliation during and after conflicts.³⁸⁹

³⁸⁴ Winkler 2014, p. 38 f; compare: Evans, 2008, p. 3 f. and p. 6

³⁸⁵ See: Evans, 2008, p. 43

³⁸⁶ See: Wegscheider, 2012, p. 359

³⁸⁷ See: Evans, 2008, p. 3 f.

³⁸⁸ It is clear that not every single potential conflict can be operationally addressed. To do this, an immense quantity of resources would be needed, that are not available. But to tackle conflicts through prevention, structural mechanisms, and long-term attitudinal change would be possible.

³⁸⁹ See: United Nation Department of Public Information, *Basic Facts about the United Nations*, New York, 2011, p. 63; Roeben, 2012, p. 142ff. and Wegscheider, 2012, p. 361

Relevant R2P documents³⁹⁰ since the 2005 World Summit

Ban Ki-moon took up a very prominent role in promoting the implementation of the Responsibility to protect in making “the advancement of R2P a core priority of his tenure”³⁹¹ as soon as he was appointed UN Secretary-General in 2007.

Following his speech on “Responsible Sovereignty: International Cooperation for a Changed World”³⁹² in Berlin in 2008, in which he outlined what R2P was and what it was not from the UN Secretariat point of view, the UN Secretary-General Ban Ki-moon issued his report *Implementing the responsibility to protect*³⁹³ in 2009 in which he outlines the relevant principles for the implementation of the Responsibility to Protect. Besides his suggestion of a three-pillar approach³⁹⁴ he outlines measures and actors to operationalize the concept. In his report Ban urges the permanent five members of the UN Security Council “to refrain from employing or threatening to employ the veto in situations of manifest failure to meet obligations relating to the responsibility to protect, as defined in paragraph 139 of the Summit Outcome, and to reach a mutual understanding to that effect.”³⁹⁵

In 2011, only one year later, the UN Secretary-General released his report “*The role of regional and sub-regional arrangements in implementing the responsibility to protect*”³⁹⁶. In this report, Ban outlines opportunities for collaboration with regional and sub-regional organizations as well as the role of civil society organizations.³⁹⁷

The UN Secretary-General’s next report *Responsibility to Protect – Timely and Decisive Response* was released in 2012 and focuses on R2P’s earlier outlined third pillar, i.e. timely and decisive response.

³⁹⁰ A bibliography on selected articles concerning R2P can be found at: International Coalition for the Responsibility to Protect: Selected Reading on the Responsibility to Protect, available at: <http://responsibilitytoprotect.org/index.php/component/content/article/628>

³⁹¹ Global Centre for the Responsibility to Protect, 1 August 2016, p. 1, available at: <http://www.globalr2p.org/media/files/2016-august-summary-of-un-secretary-general-report-on-r2p.pdf>

³⁹² UN Doc. SG/SM/11701, 15 July 2008

³⁹³ UN Doc. A/63/677, 12 January 2009

³⁹⁴ The three pillars are: 1) the protection responsibilities of the state, 2) international assistance and capacity building, and 3) timely and decisive response to prevent and halt genocide, ethnic cleansing, war crimes and crimes against humanity outlined in UN Doc. A/63/677, 12 January 2009

³⁹⁵ UN Doc. A/63/677, 12 January 2009, para. 61, p. 27

³⁹⁶ UN Doc. A/65/877-S/2011/393, 27 June 2011

³⁹⁷ Compare: International Coalition for the Responsibility to Protect, July 2011, p. 4

The report focuses on the broad range of available measures under the third pillar as well as on the implementation of these tools on the one hand, while stressing the involved actions and the responsibility of the UN member states to take collective action when necessary on the other.³⁹⁸

In his report, *Responsibility to protect: State responsibility and prevention*³⁹⁹, Ban Ki-moon identifies “six risk factors that have been evident to varying degrees in situations where atrocities were committed”, “reflects on the range of preventive measures available to governments” and “outlines targeted measures”⁴⁰⁰.

Ban Ki-moon's report *Fulfilling our collective responsibility: international assistance and the responsibility to protect*⁴⁰¹ (issued in 2014) focuses on pillar II, i.e. international assistance and capacity building, and “outlines the ways in which national, regional and international actors can assist States in fulfilling their responsibility to protect”⁴⁰². The report especially “elaborates on three main forms of pillar II support, namely, encouragement, capacity-building and protection assistance, and provides examples of good national, regional and international practice”⁴⁰³ and identifies challenges in the implementation of pillar II.

In 2015, the UN Secretary-General's report *A vital and enduring commitment: implementing the responsibility to protect*⁴⁰⁴ assesses the progress made on the implementation of the Responsibility to Protect over the last ten years, identifies core challenges and opportunities for its implementation and details “six core priorities”⁴⁰⁵ for the international community to undertake to more effectively fulfill the norm”⁴⁰⁶.

³⁹⁸ Compare: International Coalition for the Responsibility to Protect, August 2012

³⁹⁹ UN Doc. A/67/929-S/2013/399, 9 July 2013

⁴⁰⁰ International Coalition for the Responsibility to Protect: Core Documents: Understanding R2P, available at: <http://responsibilitytoprotect.org/index.php/about-rtop/core-rtop-documents>

⁴⁰¹ UN Doc. A/68/947-S/2014/449, 11 July 2014

⁴⁰² UN Doc. A/68/947-S/2014/449, 11 July 2014, p. 1

⁴⁰³ Ibid, p. 1

⁴⁰⁴ UN Doc. A/69/981-S/2015/500, 13 July 2015

⁴⁰⁵ The priorities outlined in UN Doc. A/69/981-S/2015/500, 13 July 2015, p. 2 are: (1) signaling political commitment at the national, regional and global levels to protect populations from atrocity crimes; (2) elevating prevention as a core aspect of the responsibility to protect; (3) clarifying and expanding options for timely and decisive response; (4) addressing the risk of recurrence; (5) enhancing regional action to prevent and respond to atrocity crimes; and (6) strengthening international networks dedicated to genocide prevention and the responsibility to protect.

⁴⁰⁶ International Coalition for the Responsibility to Protect: Core Documents: Understanding R2P,

Ban Ki-moon's last report on R2P (report: *Mobilizing collective action: the next decade of the responsibility to protect*⁴⁰⁷) as UN Secretary-General was released in 2016 and provides suggestions to accelerate the R2P implementation while providing recommendations for member states and the UN system as a whole on how to best deliver the collective commitment to protect. The report serves as a follow up on the Secretary-General's 2015 report on R2P.

R2P in Practice

Back in April 2006, the UN Security Council already referred to the Responsibility to Protect in its resolution 1674 on the protection of civilians in armed conflict for the first time, when it reaffirmed "the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect"⁴⁰⁸. In August of the same year the UN Security Council referred to resolution 1674 when it passed resolution 1706⁴⁰⁹ to expand the mandate of the UN mission in the Sudan (UNMIS) and authorized the deployment of UN peacekeepers in Darfur.

The intervention in Libya in 2011 is often quoted as first concrete example for the application of the R2P concept. In resolution 1970, the UN Security Council recalled the "Libyan authorities' responsibility to protect its population", condemns "the gross and systematic violation of human rights" and determines that the "widespread and systematic attacks" currently taking place in Libya "against the civilian population may amount to crimes against humanity"⁴¹⁰.

In resolution 1973, the UN Security Council stresses the "the responsibility of Libyan authorities to protect the Libyan population", condemns "the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearance, torture and summary execution" and determine that the "widespread and systematic attacks" currently taking place in Libya "may amount to crimes against humanity"⁴¹¹.

available at: <http://responsibilitytoprotect.org/index.php/about-rtop/core-rtop-documents>

⁴⁰⁷ UN Doc. A/70/999-S/2016/620, 22 July 2016

⁴⁰⁸ UN Doc. S/RES/1674, 28 April 2006, para. 4, p. 2

⁴⁰⁹ UN Doc. S/RES/1706, 31 August 2006

⁴¹⁰ UN Doc. S/RES/1970, 26 February 2011, p. 1 f.

⁴¹¹ UN Doc. S/RES/1973, 17 March 2011, p. 1 f.

In so far resolution 1970 and the following resolution on Libya (resolution 1973) make explicit reference to the responsibility to protect.

However, Libya can only serve as a “possible first concrete example” of R2P in practice. Besides Libya, the UN Security Council has also submitted resolutions with reference to R2P regarding Côte d’Ivoire, South Sudan and Yemen in 2011.⁴¹²

⁴¹² See: Silva, 2012, p. 199, United Nations Outreach Programme on the Rwanda Genocide and the United Nations: The Responsibility to Protect. Who is responsible for protecting people from gross violations of human rights?, Department of Public Information, March 2014, available at: <http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml>; Hann, 2014, p. 50, Roeben, 2012, p. 148 f.

PART III: CASE STUDY SUDAN

“I think Sudan is not very different from the rest of Africa as regards the main root causes, that are economic, social and cultural marginalization, i.e. extended political and social neglect of the vast areas of the territory of Sudan, be it in the South, in the East, or the West as like in the case of Darfur. By and large, this is the way it starts, the way it ferments through time. The period of germination of crisis in Darfur was slightly different from that in the South or the East, but the root causes were the same. The cocktail of negative trends and events that affected the population for an extended period of time was not any different.”⁴¹³

4.1 Sudan's History. A Brief Summary

The borders of a united Sudan, as we knew it until 9 July 2011, were demarcated with the Berlin Conference of 1884 - 1885. Certainly, the decision for the border line of these borders was rather based on political than on historical grounds. The international community set up the largest country in Africa a Sudan that harbours some 56 classified ethnic groups that are divided into more than 572 tribes speaking more than 100 languages and dialects.⁴¹⁴ This enormous mixture of different languages and races, cultures and religions bound together in one country served as a welcomed concept of the enemy and was used by both national political figures and the international community in their struggle for power and interests.⁴¹⁵

⁴¹³ Interview with Vladimir A. Zhagora, 2009, the interview is available after contacting the author

⁴¹⁴ See: UN Doc. E/CN.4/1994/48, 1 February 1994, p. 20; compare: Musa, 2010, p. 555

⁴¹⁵ “The name Sudan was drawn pejoratively from the Arabic phrases Bilad al- Sudan, which means 'Land of the Blacks.' A Roman commander in 23 BC moved south from Egypt and stopped, determining that the kingdom of Meroe before him was 'too poor to warrant its conquest.' Nevertheless, Sudan's history as a religious battlefield mirrored the victories and defeats of Christianity and Islam in Europe and the Middle East.” Peterson, 2000, p. 176 f; compare: Musa, 2010, p. 551 ff.

Up to date, the challenges the Sudan has been facing on its way to long-term peace, food security and a sustainable development involve, amongst others, “critical environmental issues, in including land degradation, deforestation and the impacts of climate change”⁴¹⁶. Those environmental problems are clearly not only linked to the conflict in Darfur but also to other historical as well as current conflicts in the Sudan and South Sudan.⁴¹⁷

Map 4.1.1: The Sudan⁴¹⁸



⁴¹⁶ United Nations Environment Programme: Sudan, Post-Conflict Environmental Assessment, 2007, p.6

⁴¹⁷ See: Ibid, p. 6

⁴¹⁸ Wennmann, 2009, p. 1

4.1.1 Sudan's Civil Wars

The territory of the Sudan, as we know it from before the separation of the South in 2011, was one of the poorest and most war-threatened areas in Africa, with widespread poverty and a weak infrastructure. Roughly being the size of Western Europe, this “old” Sudan was moreover “the largest and most diverse African country and the tenth largest in the world”⁴¹⁹. Like the majority of African states, the previous Sudan was, even if not exclusively⁴²⁰, a colonial creation.

The territory of the Sudan was

“first put together in the early nineteenth century under Turco-Egyptian rule. The *Turkiyya*, as the colonial administration was called, brought three different territories under its control: The first two were the Sultanate of Funj in central Sudan and that of Dar Fur to its west, and the third was the southern periphery, which both sultanates had over the centuries turned into a reserve for the capture of prized booty, mainly slaves and ivory.”⁴²¹

The Sudan can be classified into two halves, thus the northern areas with desert or semi desert, while the southern areas covering savannah with varying degrees of rainfall. The Sudan's center is watered by the Blue and the White Nile⁴²² all around the year and is therefore known as *riverine* Sudan. “In contrast to riverine Sudan, the provinces to the west (Darfur and Kordofan) depend exclusively on rains for their supply of water.”⁴²³ This results in “a case of severe desertification with a major influence on overall security situation”⁴²⁴ in this region.

The southern periphery is characterized by an “equatorial climate with high humidity and lots of rainfall”⁴²⁵.

⁴¹⁹ Wegscheider, 2012, p. 361

⁴²⁰ See: Musa, 2010, 553

⁴²¹ Mamdani, 2009, p. 8

⁴²² “The Blue and White Nile flow into Southern Sudan from Ethiopia and Uganda respectively, and meet in Khartoum (a word that means “the elephants trunk”) before flowing north into Egypt.” Mamdani, 2009, p. 8

⁴²³ Mamdani, 2009, p. 8

⁴²⁴ Interview with Vladimir A. Zhagora, at the time of the interview (led by the author of this thesis on 28 July 2009 in New York), Mr. Zhagora served as Senior Political Affairs Officer (Mediation Focal Point) at the United Headquarters in New York. The Interview is available after contacting the author.

⁴²⁵ Government of the Republic of South Sudan, *South Sudan*. Available at: <http://www.goss.org/>.

In addition, as the White Nile covers most areas of the South, it makes the soil fruitful.⁴²⁶ As the people of South Sudan had relied on subsistence agriculture for a long time, the economy is now highly oil-dependent; the opportunity, agriculture would provide for, is unfortunately not seized and thus leaves the South with widespread poverty and a high level of infrastructural underdevelopment. Sudan's development is not only hampered by limited infrastructure, schools and hospitals which were destroyed or neglected in the course of the centuries of war (especially in the south), but also because the colonial policy played its role as well.⁴²⁷

Present divisions between the North and the South, which differ regarding religion, ethnicity, culture and history, were encouraged by the Anglo-Egyptian Condominium⁴²⁸ that ruled there from 1898 to 1955. Using measures like the Closed Districts⁴²⁹ Order in 1922, control and restrictions⁴³⁰ were imposed on northern traders by preventing Muslims⁴³¹ from travelling to the south and therewith having an influence on it.⁴³² "The aim was to divide north and south in order to create a secular state and a Christian state, respectively"^{433 434}.

⁴²⁶ Mamdani, 2009, p. 8

⁴²⁷ For more information about the Sudan before colonialization see: Musa, 2010, pp. 551-554

⁴²⁸ Condominium means joint rule of a territory by two or more nations and was unique in the history of colonialism.

⁴²⁹ The law, which enshrined the southern policy at that time, was embodied in the Passports and Permits Ordinance of 1922 which declared southern Sudan and areas of the Nuba Mountains as closed districts. Compare: Musa, 2010, p. 554

⁴³⁰ The Closed Districts Order gave the "Governor-General or his designated representative the power to "close" a district. Districts could be "absolutely closed" or simply "closed." in the first case, no Sudanese or foreign national could enter the district; in the latter entry was only permitted subject to conditions and for purposes specified by the Governor General. Entry permits were required which could be refused without reason and cancelled without notice". Sconyers, David, *British Policy and Mission Education in the Southern Sudan 1928-1946*, 1978, available at: http://vlib.iue.it/carrie/texts/carrie_books/sconyers/00-2.html

⁴³¹ In the middle of the seventh century the Islam entered north of Sudan through Muslim merchants. "With the increase of Arab-Islamic influence, the ruling family gradually became Muslim and infused with Arab blood". (Musa, 2010, p. 554) The influence of the Islam therefore resulted in a decline of Christianity which entered the country in the sixth century and was widespread in Sudan. (See: Deng, 1991, p. 344) The Islam therewith overshadowed the preexisting Sudanese and Christian elements in Sudan.

To divide the country into an Arabic North and an African animist (and Christian) south is only valid as a rough generalization. See: Deng, 1991, p. 343 f.

⁴³² See: Wegscheider, 2012, p. 361

The South served the North as a hunting ground for slaves which supported the intention of African animists (and Christians) to „convert to Islam, adopt the Arabic language“ and therewith „refer to themselves as Arbs.“ Deng, 1991, p. 345 f.

⁴³³ Shanklemann, 2006, p. 137 cited in: Wegscheider, 2012, p. 361 f.

In addition, “Christian missionaries weren’t allowed to work in the North but they were in the South and this made it more difficult for Islam to spread in the South” leading to a situation in “that the Christian religion became a kind of badge for a lot of people in southern Sudan”⁴³⁵. However, the British ruler failed to promote economic development in the South, which, compared to the North, resulted in a major economic setback of the southern region. “Moreover, neither north nor south was a homogenous region; divisions of particular importance (...) included deep differences in terms of political ideology and Islamic religious affiliation among the northern elites.”⁴³⁶

Before being suddenly supposed to face a common future, both regions had been separately administered the Arabic-affected North⁴³⁷ having been collectively administered by Egypt and Great Britain, whereas the South receiving a purely British administration⁴³⁸.

At the Juba Conference⁴³⁹ in 1947, southern Sudanese representatives were confronted with the decision on the unity of North and South Sudan without having consulted either of them beforehand. This decision was presented as a *fait accompli* even though southern representatives had several reservations largely because of the region’s lack of educational and political background. Certainly, the people of southern Sudan feared not to gain independence but to be only subsumed by the political power of the wealthier and more developed North.⁴⁴⁰

During the transitional period towards the Sudan’s independence, the United Kingdom and Egypt agreed to provide the Sudanese with self-government and self-determination. As already stated, only small investments in the public education and health system were effected during the Anglo-Egyptian condominium.

⁴³⁴ See: Shanklemann, 2006, p. 117, compare: Deng, 1991, p. 348 f. and Abdelmageed, 2007, p. 137

⁴³⁵ Interview with Mr. Ian Cliff, 2010, at the time of the interview (led by the author of this thesis on 7 October 2010 at the British Embassy in Vienna), Mr. Cliff served as UK Ambassador to the Organization for Security and Cooperation in Europe in Vienna. The Interview is available after contacting the author.

⁴³⁶ Shanklemann, 2006, p. 118

⁴³⁷ Although large parts of the North have been „Islamized and Arabized, there is a considerable non-Arab element there, too. “ For example are many of the tribes of the Darfur region and the Nuba of southern Kordofan as well as the Beja tribes to the east not Islamized. See: Deng, 1991, p. 346

⁴³⁸ See: Pahl, 2008, p. 33.

⁴³⁹ Compare: Protocol Juba Conference June 1947

This fact created a situation, in which the South faced its setback compared to the substantially more developed North⁴⁴¹ at the time when the country was heading for independence in 1956. Owing to a country-wide low level of education and thus a high rate of illiteracy not only the holding of elections, but anything from political manifestoes up to the political representation of the state were (and still are) facing shortcomings.

On the way to independence, the first national political elections were held in 1953, resulting in the inauguration of the first parliament in 1954, although the parliament was dominated by the North.⁴⁴²

However, the United Kingdom failed to ensure equity for the North and the South in this process wherewith the North controlled the civil service and the administration all over the Sudan and ignored promises made to the South to establish a federal system that would give the region substantial autonomy.⁴⁴³ Out of the “800 posts that had been occupied by the colonial powers, only four junior posts went to the south”⁴⁴⁴.

Due to the desolate economic situation in the South that also included factors related to the “total separation through controlled migration”⁴⁴⁵ during the Anglo-Egyptian Condominium, including the unaccomplished prospect of independence, autonomy or self-determination in the region⁴⁴⁶, and the unresolved status of Islam in the Sudan as a whole, the stage was set for a civil war even before the Sudan’s independence was claimed on 1 January 1956.⁴⁴⁷

⁴⁴⁰ See: Adams, 2004, p. 2

⁴⁴¹ According to Musa, the North ever since benefitted from its neighbor Egypt from where the “wave of education and enlightenment flowed” southwards. Therefore, it was the Northern tribes that particularly benefited from these influences – especially the Shaigiyya, Danagla and Ja’aliyyin who consequently were the first to seize power after independence and continued to “monopolize the resources and power of the country”. Musa, 2010, p. 557

⁴⁴² Only eight of the more the 800 higher posts were covered by south Sudanese politicians, Mückusch, 2008, p. 40; Musa analyzed, that since independence the Northern elites – namely the Shaigiyya, Danagla, Ja’aliyyin and Mahass – “have taken the majority of ministerial posts in all governments since independence.” Musa, 2010, p. 558; compare for detailed information: Musa, 2010, p. 556 ff.

⁴⁴³ Certain regions like the East, the South of Sudan, Kordofan and Darfur were since independence underrepresented in the Sudanese governments, even though those regions constitute a high population density. Nevertheless, the Northern tribes dominated the most important posts in the governments and financial and oil institutions. Compare: Musa, 2010, p. 558 f.

⁴⁴⁴ Deng, 1991, p. 349

⁴⁴⁵ Wegscheider, 2012, p. 362

⁴⁴⁶ See: Deng, 1991, p. 349

At that time, the causes for conflict were indeed primarily caused by the oppression of the South by the predominantly Muslim North.⁴⁴⁸

The first civil war in the Sudan between the central government and the southern Anya Nya liberation movement (that had been created in the early 1960s and was led by Joseph Lagu⁴⁴⁹), which demanded representation and more regional autonomy from the North, took place between 1955 and 1972. However, the movement was unable to gain support and wasn't widely accepted by the Southerners.

During 1967/68, the civil war caught international attention. Northern Sudan moved closer to Egypt under President Gamal Abd el-Nasser when it supported him significantly in the Six Day War against Israel.

In 1969, the government of Khartoum compensated the cut of all diplomatic ties between North Sudan and some western countries (including Germany) by turning towards the Soviet Union and concluding a comprehensive agreement providing military support. Additional military support was provided by Egypt and Libya. On contrast to that, Israel supported the Anya Nya movement with weapons, munitions and military know-how which were delivered via Ethiopia and Uganda.⁴⁵⁰

Apart from that, General Jaafar al-Nimeiri led a successful coup in 1969 and declared the Socialist Democratic Republic of Sudan with the Sudan Socialist Union being the main party.

With Israel's support, Lagu formed the Southern Sudan Liberation Movement (SSLM) in 1971, which then created a governing infrastructure in southern Sudan. The SSLM filled the gap that the Anya Nya movement had not been able to fill since it was the most successful and best organized rebel group at that time.⁴⁵¹ However, though the leaders of the Anya Nya movement as well as nearly all exiled southern politicians united behind the SSLM, the real power remained with Anya Nya and Joseph Lagu being its head.⁴⁵²

⁴⁴⁷ See: Shanklemann, 2006, p. 118

⁴⁴⁸ See: Charar, 2010, p. 1

⁴⁴⁹ Among Joseph Lagu's junior officers was also John Garang, who was later to become the chief architect of the Sudan People's Liberation Army/Movement (SPLA/M). He later negotiated the Comprehensive Peace Agreement (CPA) in 2005. Another important junior officer was Salva Kiir Mayardit who became in 2011 the first president (until date) of the newly founded South Sudan.

⁴⁵⁰ See: Mückusch, 2008, p. 44 f.

⁴⁵¹ See: Kasfir, 1991, p. 371

⁴⁵² See: Global Security, *Sudan – First Civil War*, available at:

After twelve years of war, the government (with Nimeiri) in the North and the SSLM in the South signed the Addis Ababa Accord on 27 March 1972⁴⁵³, which gave the South a “measure of political independence, thus including its own executive, legislative, and judicial branches”^{454 455}.

“It addressed the long-standing issues of regional autonomy, religion, and equality by providing for a single, elected regional government in the south, with revenue from local taxes and fees and transfers from the north to help narrow the economic gap.”⁴⁵⁶

By combining three provinces, the Accord resulted in the creation of a single autonomous region in the South. These three provinces in South Sudan were given a significant degree of autonomy in a parliamentary system that was accountable to the government in the North, i.e. namely Upper Nile, Bahr al-Ghazal and Equatoria.⁴⁵⁷ Furthermore, the Addis Ababa Peace Treaty integrated the rebels into the national army and “refugees and displaced people were resettled and rehabilitated”⁴⁵⁸.

The eleven years from 1972 to 1983 are remembered as the last period of “peace”. The “failure of the North to develop a meaningful political relationship of any sort with the South in the period after independence” cumulated with “the failure to take proper advantage of the Addis Ababa Agreement”⁴⁵⁹ and since then has left the Sudan “trapped in a cycle of violence in the struggle for resources, power, the role of religion and self-determination”⁴⁶⁰.

At the end of the 1970s as well as in the beginning of the 1980s, radical Islamism increased its influence on the Head of State Jaafar al-Nimeiri. It was especially the cleric al-Turabi, who pushed for a policy of power and Islamization, that was clearly against the peace treaty of 1972.⁴⁶¹

<http://www.globalsecurity.org/military/world/war/sudan-civil-war1.htm>

⁴⁵³ Compare: Mamdani, 2009, p. 291

⁴⁵⁴ Human Rights First, *Sudan Timeline*, available at: <http://www.humanrightsfirst.org/our-work/crimes-against-humanity/sudan-timeline/>

⁴⁵⁵ Compare: Peterson, 2000, p. 178 f. and Deng, 1991, p. 350

⁴⁵⁶ Shanklemann, 2006, p. 119

⁴⁵⁷ See: Adams, 2004, p. 2 and Kasfir, 1991, p. 372

⁴⁵⁸ Deng, 1991, p. 350

⁴⁵⁹ Interview with Mr. Ian Cliff, 2010, The Interview is available after contacting the author.

⁴⁶⁰ Wegscheider, 2012, p. 362

⁴⁶¹ See: Mückusch, 2008, p. 48 f.

In 1976, Nimeiri broke the peace agreement by dividing the south into six provinces; an action that stayed unchallenged by the south.⁴⁶² During that time, apart from ethnic and religious reasons, economic issues also played a relevant role in the country, when vast oil occurrence was discovered in Southern Sudan and the government decided to install Northern troops in the oil-rich town of Bentiu⁴⁶³ in 1977.⁴⁶⁴

Even though the discovery of oil deposits exacerbated the conflict between the North and the South, it again needs to be stated that oil was by far not the only cause for conflict in the Sudan.⁴⁶⁵ Further oil findings⁴⁶⁶ along the border of North and South Sudan hardened the conflict, although, interestingly enough, the Addis Ababa Agreement had not anticipated such findings. Consequently, the Agreement set no rules for its allocation between the North and the South. The issue of the distribution of oil was especially relevant to the South since it generally depended “on northern finance for any economic activity at all”⁴⁶⁷. Therefore, dispute emerged regarding the borders between the conflict parties. It was probably due to of fear of secession that the North was willing to undermine the Addis Ababa Accord by redrawing the political border line so as to include the newly discovered oil fields in the northern province of Kordofan.

In November 1980, Nimeiri “changed the boundaries of the southern region to incorporate into the north a part of the area where oil had recently been discovered”⁴⁶⁸, which resulted in demonstrations by the South and the instruction of the parliament by Nimeiri to install the old border line again.⁴⁶⁹

⁴⁶² See: Kasfir, 1991, p. 376

⁴⁶³ Bentiu is located in Unity State in northern South Sudan, in which south Sudan’s biggest oil fields are located.

⁴⁶⁴ See: Chr. Michelsen Institute, *Sudan*, available at: <http://www.cmi.no/sudan/?id=8&Sudan>

⁴⁶⁵ See: Schmidinger, 2006, p. 195

⁴⁶⁶ Compare: Schumann, 2010, p. 102 f.

⁴⁶⁷ Kasfir, 1991, p. 376

⁴⁶⁸ Ibid., p. 376

⁴⁶⁹ See: Ibid, p. 376

At about the same time, first plans for an oil pipeline heading to Port Sudan on the Red Sea in the north of the country were drawn up with the American oil company Chevron⁴⁷⁰. This company then explored the area in Unity State, which was of major interest to both conflict parties due to its vast oil occurrence. At least 70 percent of the oil findings were located in the South whereby the South pushed for the location of an oil refinery near the discovery of the oil as the oil refinery expected stimulation of the local economy.

Nonetheless, President Nimeiri pushed for a location in the North, thus resulting in the decision of the national parliament to locate the refinery in the northern town Kusti.⁴⁷¹ It goes without saying that the South perceived this as a betrayal by the North and as an abandoning of the Ababa Accord by Nimeiri.

Furthermore, there was already a political crisis in the South between politicians in Upper Nile, Bahr al-Ghazal and Equatoria.⁴⁷² In fact, those rivalries were used to split the province area of the South in three regions in order to further weaken Southern Sudan in 1983.⁴⁷³

Finally, President Nimeiri followed the persistent radical claims by committing systematic violation of the Peace Accord through the promulgation of the so-called September Laws in 1983. He ended the autonomy of the South by a re-division of its provinces⁴⁷⁴ and introduced the Sharia law as the sole source for Sudanese law and therewith to be applied for all Sudanese, thus including the non-Muslim population as well. Furthermore, he declared Arabic as the Sudan's official language. This step taken by President Nimeiri once more confronted the population of the South once more with facts they hadn't agreed upon.

Given that there already was a crisis in the South, the introduction of the Sharia law was, so to say, "the final nail" but certainly not the only issue that divided the North from the South.⁴⁷⁵

⁴⁷⁰ Chevron's first oil findings were in 1979. See: Kasfir, 1991, p. 376

⁴⁷¹ See: UC Regents, *Understanding Sudan: Fact Sheet Two: A History of Oil in the Sudan*, available at: <http://understandingsudan.org/Oil/OilResources/L2FS2-HistoryofOilinSudan.pdf>, p. 2, compare: Deng, 1991, p. 352

⁴⁷² See: Interview with Ambassador Cliff, 2010

⁴⁷³ See: Schmidinger, 2006, p. 196

⁴⁷⁴ See: Adams, 2004, p. 2 and Kasfir, 1991, p. 378

⁴⁷⁵ See: interview with Ambassador Cliff, 2010. Today the official language of the South is English and

When Nimeiri broke the 1972 Addis Ababa Peace Accord, John Garang founded both the SPLM⁴⁷⁶ and the Sudan People's Liberation Army (SPLA)⁴⁷⁷ under his leadership. They soon became the biggest rebel movement in the South, thus including

“remnants of the Anya Nya movement and Sudanese soldiers who supported the south. [Salva] Kiir was amongst those from the Anya Nya who joined the Sudan People's Liberation Army (SPLA)⁴⁷⁸ and he rose to eventually head the SPLM's military wing.”⁴⁷⁹

The second set of civil wars involved the North-South conflict as well as the conflict between southern groups. The renewed outbreak of wars was the result of

“political pressure within the north in order to respond to the demands made by Islamic fundamentalist elements and those fractions that had opposed southern autonomy all along, the strengthening of the Sudan army as a result of U.S. (and Chinese) support designed to oppose Soviet-aligned Libya and Ethiopia, and the discovery of oil in the southern Sudan after the peace agreement”⁴⁸⁰.

The new radicalization of northern politics cumulated with the causes of the first civil war, which the Addis Ababa Accord had failed to overcome. Therewith the stage was once again set for a civil war, which would rage for the following 22 years, i.e. from 1983 to 2005.

It was only then that different southern groups were able to merge with the SPLM/A for the very first time despite deep tribal⁴⁸¹ and ideological gaps – just in order to counter the Northern regime.

in the North Arabic.

⁴⁷⁶ The SPLM is now the ruling party of the South Sudan.

⁴⁷⁷ “The SPLA was formed in 1983 when Lieutenant Colonel John Garang of the SPAF was sent to quell a mutiny in Bor of 500 southern troops who were resisting orders to be rotated to the North. Instead of ending the mutiny, Garang encouraged mutinies in other garrisons and set himself at the head of the rebellion against the Khartoum government.” Global Security, *Sudan People's Liberation Army (SPLA), Sudan People's Liberation Movement (SPLM)*. Available at: <http://www.globalsecurity.org/military/world/para/spla.htm>

⁴⁷⁸ For more information about the different splinterings of the SPLA see: Schmidinger, 2006, p. 196

⁴⁷⁹ African History, *Salva Kiir Mayardit. Southern Sudanese Nationalist and First President of South Sudan*. Available at: http://africanhistory.about.com/od/South_Sudan/a/Salva-Kiir-Mayardit.htm

⁴⁸⁰ Holt, 2000, p. 178

⁴⁸¹ Nevertheless, the majority belonged to the Dinka, the major ethnic-tribal group in the South. Garang himself belonged to the Dinka tribe. It was therefore, that he had difficulties to first unite all southern groups behind him. Especially the Equatoria region distrusted him. See: Kasfir, 1991, p. 379

“Its attempt to reach out to marginalized groups in the Muslim North and its professed commitment to the unity of Sudan set the SPLM/A apart from its predecessor, the Anyanya, which was openly secessionist.”⁴⁸² In addition, it was becoming increasingly obvious that the political, economic, social and religious disparities the South had suffered from, also affected other regions. Therefore, the SPLM/A started to call for a “new Sudan” that should be “free of all vestiges of racial, tribal, religious, and other forms of discrimination, in which all citizens will enjoy genuine democracy, civil liberties, and full equality”⁴⁸³.⁴⁸⁴ This implied that all regions of the Sudan would play a political role in the center. On the contrary to that, the Northern government wanted new negotiations about the Addis Ababa Accord whereby the South would regain political control in South Sudan.⁴⁸⁵

The SPLM/A had learnt from the failures of previous rebel groups in the Sudan and was able to overcome difficulties, as e.g. poor organization, supply problems, limited financing and inadequate training.⁴⁸⁶ It was only due to this fact that the various commanders could be united under Garang’s leadership. Thus, it succeeded in receiving crucial support from its neighbors.⁴⁸⁷ In the first years of its existence in 1983, it received support from Ethiopia, Israel and Libya and at a later point from Eritrea and Uganda as well.⁴⁸⁸ Nevertheless, the SPLA was contested by Anya Nya II, which was mainly set up by members of the Nuer tribe.

Once again, the national government tried to take advantage of disagreements within the South by starting an alliance with Anya Nya and by even arming the movement and other groups that were opposing the SPLA. It was the national government’s new strategy to arm rebel groups on an ethnic basis.⁴⁸⁹ Accordingly, not only did the national government arm the Mundari people in Equatoria to resist the SPLA in 1985, but also the nomadic and Muslim Baggara groups in the Kordofan and Darfur regions who had had a centuries’ long feud with the Dinka tribe.

⁴⁸² Ali, et al, 2005, p. 201

⁴⁸³ Deng, 1991, p. 354

⁴⁸⁴ See: Deng, 1991, p. 354 and Kasfir, 1991, p. 383

⁴⁸⁵ See: Kasfir, 1991, p. 363

⁴⁸⁶ Since John Garang the SPLA can be seen as a highly-centralized guerrilla movement.

⁴⁸⁷ See: Wennmann, 2009

⁴⁸⁸ See: Adams, 2004, p. 4

⁴⁸⁹ See: Kasfir, 1991, p. 380

The arming then led to a wave of attacks against the Dinka, culminating in the al-Daein massacre in March 1987 in which one thousand unarmed Dinka civilians were slaughtered by armed Rezeigat⁴⁹⁰ militiamen. This, on the other hand, led to a manifestation of ethnicity within the South.⁴⁹¹ In addition to being confronted with severe drought in the west and the east that cumulated in acute food shortage, Nimeiri was increasingly confronted with mounting economic problems that finally resulted in Nimeiri's replacement when he was outside the country.⁴⁹²

After Nimeiri's overthrow in 1984, Sadiq al Mahdi⁴⁹³ became the Sudan's new prime minister who tried to achieve peace and stability by beginning negotiations with the SPLM/A and other rebel groups of the South. Unfortunately, the National Islamic Front⁴⁹⁴ (NIF) led by Hassan al-Turabi was strongly against the new path of negotiation taken by the ruling government of Mahdi.⁴⁹⁵

Omar al-Bashir, who seized power in 1989, installed the NIF until 1998⁴⁹⁶ as the "dominant [and only] political force⁴⁹⁷ in the country"^{498 499}.

⁴⁹⁰ According to Mahmud and Baldo's analysis (outlined in Kasfir, 1991, p. 382) the causes of the massacre can be traced back to a famine in 1985 in Kordofan that had forced some Rezeigat south in an area acknowledged to be Dinka. The national government, who perceived the SPLA in ethnic terms, supported the formation and arming of the Rezeigat militia with the prospect that attacks against the Dinka by the Rezeigat would undermine the support of the SPLA.

⁴⁹¹ See: Kasfir, 1991, p. 382

⁴⁹² See: Deng, 1991, p. 353 and Kasfir, 1991, p. 380 f

⁴⁹³ Who was before the leader of the opposition.

⁴⁹⁴ The NIF was formed in 1985 as a coalition of parties, headed by the Muslim Brotherhood, and enjoyed the wealth and support of Islamic banks and Muslims worldwide. The NIF is successor to the Islamic Charter Front, the political wing of the Sudanese Muslim Brotherhood.

⁴⁹⁵ See: Adams, 2004, p. 3

⁴⁹⁶ In 1998 president Bashir authorized the creation and participation of political parties. Bashir, together with Turabi, established the National Congress Party (NCP) as successor of the NIF. As it then was the only legally accepted political party in Sudan its members quickly came to dominate the entire Sudanese parliament. Finally, in 1999, multiparty politics, which was banned after the 1989 coup, was reintroduced.

"The NCP platform is openly Islamist, calling for 'the righteous way of God through the guidance of sharia, custom, the constitution, and the law'." Carnegie Guide to the future of Sudan, *Background on the National Congress Party*. Available at:

<http://sudan.carnegieendowment.org/2011/01/04/background-on-the-national-congress-party>

⁴⁹⁷ Schmidinger (2006, p. 192) classifies as modern political party on the basis of an ideological orientation in Sudan the Sudanese Communist Party (SCP) and the in 1964 founded Islamic Charter Front (related to the Muslim Brotherhood) that was re-established as the National Islamic Front.

⁴⁹⁸ Carnegie Guide to the future of Sudan, *Background on the National Congress Party*. Available at: <http://sudan.carnegieendowment.org/2011/01/04/background-on-the-national-congress-party>

⁴⁹⁹ Compare: Schmidinger, 2006, p. 193

With President al-Bashir⁵⁰⁰, Libya shifted its support to the Northern government. Until the signing of the Comprehensive Peace Agreement (CPA) in 2005, al-Bashir led an authoritarian government, in which all effective political power was gathered in his hands. In addition, he kept the country's questionable "tradition" to favor the Northern elites when setting up a government. The period after the 1989 coup was characterized by the suspension of political parties, restrictions on the media, and the dissolution of the parliament.

In order to gain absolute control, President al-Bashir replaced the parliament with a "newly formed Revolutionary Command Council (RCC) which enjoyed a monopoly on executive and legislative powers."⁵⁰¹ It goes without saying that al-Bashir headed this council until 1993, when he was formally appointed President of the Sudan after the elections and the council was dissolved. Al-Bashir and Hassan al-Turabi⁵⁰² deepened the Islamization of the Sudan that had started in 1983⁵⁰³. In doing so, Bashir put an end to the peace negotiations with South Sudan and further fueled the conflict.

"Moves towards reaching peace between the SPLA/M and the government stalled when the National Islamic Front (NIF) led a bloodless coup in June in 1989, a day before a bill suspending sharia law was to be passed. Led by General Omar al-Bashir, the NIF (later renamed National Congress Party – NCP) revoked the constitution, banned opposition parties, moved to Islamize the judicial system and stepped up the North-South war, proclaiming jihad against the non-Muslim South."⁵⁰⁴

⁵⁰⁰ Prior to having seized control in the Sudan, Bashir was responsible for the coordination of military operations against the Sudan People's Liberation Army in the south. Compare: Carnegie Guide to the future of Sudan, *National Congress Party Leadership*. Available at: <http://sudan.carnegieendowment.org/2011/01/04/national-congress-party-leadership>

⁵⁰¹ See: Carnegie Guide to the future of Sudan, *National Congress Party Leadership*. Available at: <http://sudan.carnegieendowment.org/2011/01/04/national-congress-party-leadership>

⁵⁰² At the time of growing Islamisation in Sudan, especially the non-Arab ethnicity in Darfur was increasingly marginalized. This development resulted in the foundation of the Darfur Liberation Front. In March 2003 the Darfur Liberation Front evolved into the Sudan Liberation Movement/ Army. While the Darfur Liberation Front, that had Eritrea as strong ally, "was a secessionist organization calling for the secession of the area of Darfur from Sudan", the aim of the SLM/A's – led by Mini Minawi – was to „create a united, democratic Sudan“. Global Security, Darfur Liberation Front, available at: <http://www.globalsecurity.org/military/world/para/darfur.htm>

⁵⁰³ Carnegie Guide to the future of Sudan, *Background on the National Congress Party*. Available at: <http://sudan.carnegieendowment.org/2011/01/04/background-on-the-national-congress-party>

⁵⁰⁴ International Crisis Group: *Sudan Conflict History*, available at: <http://www.crisisgroup.org/en/key-issues/research-resources/conflict-histories/sudan.aspx>

Al-Bashir's bloodless coup also placed increasing pressure on the American company Chevron. Given that during that time no oil exports were made from the Sudan at all and that the government was facing an increasingly expensive war, the government finally wanted to get a grip on the revenues its oil resources were promising. At the beginning of the 1990s, the "National Islamic Front that had led the coup tried to pressure Chevron to begin operations, as, equally, the American government reportedly pressured Chevron to suspend its operations in the Sudan."⁵⁰⁵⁵⁰⁶

The beginning of the 1990s also marked a fatal period for the SPLA when it lost its most important ally through the overthrow of Mengistu Haile Mariam in Ethiopia in 1991. Nevertheless, the SPLA was able to make new allies with the governments in Ethiopia, Eritrea and Uganda throughout the 1990s. During that time, increasing evidence came up regarding the United States' support for the southern rebels through its above-mentioned neighbor states.

Finally, Nimeiri's plans of an oil pipeline⁵⁰⁷ in the north were realized when the project of a 1,540-kilometer pipeline was started in March 1997. "At the beginning of 1998, contracts worth \$1 billion were signed with Chinese, Malaysian and European suppliers. In 1999, the pipeline began delivery, and the first 600,000 barrels were loaded onto a Shell tanker"⁵⁰⁸ at Port Sudan on the Red Sea. With the realization of this pipeline, the Sudan became an important provider⁵⁰⁹ on the global energy market in 1999.⁵¹⁰ Certainly, one major reason for the engagement of non-neighboring-countries were the oil resources in that area, which led to the United States' involvement in the

⁵⁰⁵ See: UC Regents, *Understanding Sudan: Fact Sheet Two: A History of Oil in the Sudan*, available at: <http://understandingsudan.org/Oil/OilResources/L2FS2-HistoryofOilinSudan.pdf>, p. 2

⁵⁰⁶ Chevron finally sold its concessions in 1992. It therewith introduced a period of rapid selling and re-selling of the oil concessions.

⁵⁰⁷ Compare for a detailed explanation of Oil Company's involvement: European Coalition on Oil in Sudan: *Unpaid Debt. The Legacy of Ludin, Petronas and OMV in Sudan, 1997 – 2003*, Netherlands, 2010, p. 14; UC Regents, *Understanding Sudan: Fact Sheet Two: A History of Oil in the Sudan*, available at: <http://understandingsudan.org/Oil/OilResources/L2FS2-HistoryofOilinSudan.pdf>, pp. 2-4

⁵⁰⁸ UC Regents, *Understanding Sudan: Fact Sheet Two: A History of Oil in the Sudan*, available at: <http://understandingsudan.org/Oil/OilResources/L2FS2-HistoryofOilinSudan.pdf>, p. 2

⁵⁰⁹ The Sudanese oil production increased from 500 barrel in 1997 to 500 000 barrels in summer 2007. See: Chiari, 2008 p. 60

⁵¹⁰ See: Chiari, 2008, p. 60

“Darfur-Chad region and U.S.-China contention in Sudan. U.S. oil exploitation in the southern Doba region of Chad had begun in June 2000 when Exxon Mobil Corporation led a consortium in a \$3.7-billion project that began exporting oil in October 2003 via a one thousand-kilometer-long buried pipeline through Cameroon to Kibri, on the Gulf of Guinea.”⁵¹¹

The U.S. oil business on the Chad side of the border was followed by Chinese investment on the Sudan side in the Darfur region. Due to the fact that the Sudan’s international status had increased over the years, international engagement in this region subsequently rose as well. Thus, international political involvement added to the war-torn history of this territory.

“The Saharan belt in Africa was now also an oil belt - some say even a uranium belt - and the United States proceeded to tighten that belt with all the public relations savvy it could muster, branding the state violence of its adversaries as ‘genocide’ and that of its allies as a necessary part of the ‘War on Terror’.”⁵¹²⁵¹³

Naturally, the oil boom in the Sudan came along with a tremendous increase in public revenues, which allowed the central government to invest in a major arms build-up. Both, the Sudanese parties themselves as well as the international community undertook several attempts to finally bring peace to the Sudan.

Until 2001, “on-off negotiations between the government and the SPLA under the Inter-Governmental Authority on Development (IGAD) made little progress”⁵¹⁴. This is why a regional initiative to support the Sudan on its way to a peaceful future failed as well. However, in July 2002, the conflict parties managed to reach an agreement and the Machakos Protocol⁵¹⁵ was signed.

⁵¹¹ See: Mamdani, 2009, p. 21

⁵¹² Mamdani, 2009, p. 55

⁵¹³ Compare: Columbia University: *Chad Cameroon Oil Pipeline Project, a Study Tool and Case Study*, available at: <http://www.columbia.edu/itc/sipa/martin/chad-cam/index.html#website>

⁵¹⁴ International Crisis Group: *Sudan Conflict History*, available at: <http://www.crisisgroup.org/en/key-issues/research-resources/conflict-histories/sudan.aspx>

⁵¹⁵ See: Small Arms Survey: *Machakos Protocol*, July 20, 2002, available at: <http://www.smallarmssurveysudan.org/pdfs/HSBA-Docs-CPA-2.pdf>

This accord, which formed the foundation for the Comprehensive Peace Agreement 2005, granted a self-determination referendum for the South after a six-year period⁵¹⁶ while maintaining Sharia Law (Islamic law) in the North.

In addition, the Machakos Protocol used the

“1956 independence boundaries to demarcate the border between northern and southern Sudan. This boundary, however, excluded Abyei, an area defined ethnically and geographically as the nine Chiefdoms of the Dinka-Ngok, and the Nuba Mountains [South Kordofan] and Southern Blue Nile (now Blue Nile) State. Consequently, two additional protocols⁵¹⁷ were adopted in Naivasha, Kenya on 26 May 2004 to address the particular needs of the Three Areas. These protocols were later incorporated into the CPA.”⁵¹⁸

Again, the agreement only discussed the North-South issue but left the problem of the three regions unresolved. However, due to their substantial oil or water resources, these three areas were considered strategically important and given the fact that they sympathized with the SPLM, further conflict was predictable.

Even though the elites of the marginalized regions, i.e. Darfur, Kordofan, the East, the Nuba Mountains, the South and southeast of the Blue Nile region⁵¹⁹, raised their disapproval of being underrepresented in the national governments since the Sudan's independence, and (inter alia) felt short behind the North and as well as the central regions as regards its development⁵²⁰, the central government did not react to it.

⁵¹⁶ The call for separation between North and South Sudan came from Northerners, who argued the country has suffered so long from war that it has neglected its development, nation-building etc. and that it therefore would be better to let go the South to be able to focus on the priorities of the North. See: Deng, 1991, p. 357

⁵¹⁷ Naivasha Protocol on the Resolution of Conflict in Southern Kordofan/ Nuba Mountains and Blue Nile States, Naivasha 26 May 2004, available at: http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/huba_bnile_05262004.pdf

⁵¹⁸ United Nations Development Programme Sudan, UNDP in Protocol Areas. Available at: http://www.sd.undp.org/UNDP_protocol_areas.htm.

⁵¹⁹ Musa, 2010, p. 560

Consequently, the neglected areas

“took up arms to pressure the government into realizing an equitable distribution of wealth and a just share in power, taking into consideration the fact that the Southerners have not achieved their just demands for decades, so they rebelled against Khartoum. The outcome of this situation is the existence and perseverance of violent rebel movements in different parts of the country – South and North – indicating an evident failure of the elite to redress the acute chronic problems of the country until they become exacerbated to the point of crises.”⁵²¹

Regional and ethnic movements first formed up in the North with the Beja Congress in 1958, then with the Nuba Mountains Union in 1964 (in south Kordofan) and finally with the Darfur Development Front.

Apart from many other rebel movements⁵²² in the Sudan, guerilla organizations that appeared in 2003, such as the *Sudan Liberation Movement/A* (SLM/A), and the *Justice and Equality Movement* (JEM) need to be mentioned.⁵²³ The SLM/A as well as the JEM called for a the Sudan that addressed “the root causes of the conflict and the constitutional issues such as the system of governance, Human rights, separation of religious and political affairs, just and fair economic development for the marginalized areas.”⁵²⁴ The outcome of this feeling of injustice and marginalization resulted in the emergence of regional and ethnic movements.

The first, in the east of the Sudan, was the Beja Congress, which was established in the East of the Sudan in 1958, and was followed by the Union of the Nuba Mountains (in the south Kordofan state) in the early 1960s as well as by the Darfur Development Front in 1964/65.

⁵²⁰ Compare: Schmidinger, 2006, p. 196

⁵²¹ Musa, 2010, p. 560

⁵²² See: Adams, 2004, p. 3 f. and Schmidinger, 2006, p. 195

⁵²³ See: Musa, 2010, p. 559

⁵²⁴ Abuelbashar, Abaker Mohamed: On the failure of Darfur peace talks in Abuja, 2006, available at: http://www.sudantribune.com/spip.php?page=imprimable&id_article=17244; compare: Abuelbashar for more information about rebel movements in Darfur.

Finally, the Nuba mountain rebels joined John Garang's Sudanese People Liberation Movement/Army (SPLM/A)⁵²⁵ in the mid-1980s.

The political relationship between the North and the South reached a turning point when the Comprehensive Peace Agreement (CPA – also known as the Naivasha Peace Treaty⁵²⁶) was signed between the Northern Government under President al-Bashir and the Sudan's People Liberation Movement in 2005⁵²⁷, thus ending decades of armed conflict. Subsequently, Bashir's National Congress Party and the SPLM formed a power-sharing government according to the CPA. The Government of National Unity (GNU) was there with a coalition government with the NCP as majority partner.⁵²⁸ As a consequence, John Garang was made both Vice-President of the whole of the Sudan as well as President of the Government of Southern Sudan (GOSS),⁵²⁹ whereas Salva Kiir Mayardit became the Vice-President of South Sudan.⁵³⁰ Thereafter, President al-Bashir was re-elected in 2000 (with 86.5 percent of the vote) as well as in the 2010 elections (with 68.2 percent of the vote).

⁵²⁵ Tensions between the different rebel groups intensified also along ethnic lines. Since 1983 the SPLA split off into rivaling groups. In 1991, the Nasir-Fraction separated from the SPLA. Many Sudanese perceived the SPLA as army of the Dinka tribes (given that the leader of the SPLM/A, Garang, was a Dinka) and the Nasir-Fraction as primarily army of the Nuer. Compare: Schmidinger, 2006, p. 197

After the split in 1991 conflicts continued between those two tribes until the peace deal in 1999 after the Dinka-Nuer West Bank Peace and Reconciliation Conference in Wunlit (Bahr el Gazal, Sudan); 27 February until 8 March 1999. For more information compare: Dinka-Nuer West Bank Peace and Reconciliation Conference, available at:

http://www.sudan-forall.org/sections/ihitiram/pages/ihitiram_issue9/pdf_files/Dinka-Nuer-Peace-and-Reconciliation-Conference.pdf

⁵²⁶ It is called after the Kenyan town where much of the Peace Agreement was negotiated.

⁵²⁷ The four years lasting peace process, which led to a series of mediated talks by the Intergovernmental Authority on Development, resulted in the signing of the Comprehensive Peace Agreement in January 2005. "In addition to the IGAD member states – and particularly Kenya – the process was supported by the United States, the United Kingdom, and Norway. The latter and the European Union provided the financing for the peace process." Wennmann, 2009, p. 11

⁵²⁸ In the new Government, the NCP retained the key ministries of energy and mining, defense, interior, finance and justice. SPLM took the foreign affairs ministry, as well as the foreign trade, higher education and health ministries. The officials were sworn in on 22 September.

⁵²⁹ The Government of Southern Sudan was established on 22 October 2005 as a caretaker government, pending the adoption of the Interim Constitution of Southern Sudan, which was subsequently signed into law on December 5, 2005. Although the Government of southern Sudan includes a number of small southern parties, the new cabinet, which includes many of the senior leaders of SPLM, has been criticized by some as lacking adequate representation of the south due to an ethnic imbalance.

⁵³⁰ See: About Education: Biography of John Garang de Mabior, available at:

In short, the CPA set the frame for sharing wealth (especially from oil revenues), formally recognized the autonomy of the South by the introduction of a federal governing structure for the South, security arrangements, and, after a six-and-a-half-year interim period, the option for independence. Although the CPA had settled the conflict between the North and South on the one hand, it unfortunately ignored the Darfur region with its wide range of challenges in the west.⁵³¹ On the other hand, it also only partially resolved the border disputes in the above-mentioned three areas of the Blue Nile State, Abyei and the Nuba Mountains⁵³².

Apart from South Sudan, Abyei also received the right for self-determination set forth for confirmation in a parallel referendum in 2011, as well as a special status in other aspects regarding the distribution of power. Unfortunately, Abyei is an oil-rich region that thus contributed to be highly disputed when defining the borders between North and South Sudan. In contrast to Abyei and the South, Blue Nile and Southern Kordofan did not receive the right for self-determination and the referendum, but were dealt with in chapter V (33.1-3.6) of the CPA, which left room for interpretation and therewith for further disputes.

The CPA also resolved West-Kordofan by integrating the area into Northern and Southern Kordofan. Additionally, since the “Nuba Mountains” became a part of South-Kordofan, the term “Nuba Mountains” is no longer used to describe the region.⁵³³

http://africanhistory.about.com/od/South_Sudan/a/Salva-Kiir-Mayardit.htm

⁵³¹ See: Wegscheider, 2012, p. 362

⁵³² For more information about the three regions and the CPA compare: Peter, 2010, p. 62 ff.

⁵³³ See: Peter, 2010, p. 66 f.

4.1.2 Sudan after the 2011 Independence of the South

4.1.2.1 The North

After the January 2011 referendum and the subsequent separation of the South, the remaining North of the Sudan kept its official name Republic of the Sudan with Khartoum as its capital. The country's ruling party is the National Congress Party (NCP), which evolved from the National Islamic Front (NIF). The NCP is headed by Omar Hassan Ahmed al-Bashir. Bashir has been serving as president since he became the leader of a group of military officers affiliated with the National Islamic Front in a bloodless military coup in 1989.

Map 4.1.2.1.1: The Republic of the Sudan⁵³⁴



Geographically, the Republic of the Sudan borders Egypt and Libya in the north, Eritrea in the east, the Republic of South Sudan in the south and the Democratic Republic of Congo and the Chad in the west.

⁵³⁴ The original map from OCHA of SUDAN: West Darfur State - Administrative Map as of September 2012, is available at: http://reliefweb.int/sites/reliefweb.int/files/resources/map_2996.pdf

The country is divided into fifteen states which are composed of Northern, Western and Southern Darfur; the Northern (State), Northern and Southern Kordofan; the River Nile, Red Sea, Khartoum, Kasalla, El Gezira, Gedarif, White and Blue Nile and Sennar. Its major ethnic group are the Sudanese Arab with approximately seventy percent, followed by the Fur, Beja, Nuba and Fallata ethnicity.⁵³⁵

For several years, the Sudan has only made few improvements and has twice (in 2006 and 2007) been ranked as most fragile state in the world by the Fragile States Index; since the introduction of the Fragile States (before Failed States) Index in 2005.⁵³⁶ In 2011, the Sudan faced large-scale instability in its political, social and economic area.

With South Sudan's independence in July 2011, the North lost billions of dollars of the oil production, which created one of the deepest crisis President al-Bashir has faced since he gained power in 1989. The dropout of the profitable oil fields has led to high inflation, a shrinking economy, and protests.⁵³⁷ Certainly, this development has also hardened the front at long-lasting conflict lines like in Darfur, the Nuba Mountains and Blue Nile State. Both, the governments in Khartoum and Juba⁵³⁸ need the oil in order to run their countries and to secure the livelihood of their people.

Given that 75 percent of the former united oil now lies on Southern Sudan territory whereas the pipelines that export it run through the North, it should be evident to both parties that a common future – in one way or the other – is inevitable. Therefore, one would think that the oil could be the glue that holds the two nations together while preventing conflict at the same time. However, like other valuable resources, oil can – to some extent – be a cause for both fighting or making peace. Unfortunately, this link that can ease tensions and create stability has neither been used by Northern nor Southern politicians but has rather been abused to intensify the front-line.

⁵³⁵ See: Central Intelligence Agency, *The World Fact Book Sudan*. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/su.html>.

⁵³⁶ The Fund for Peace lists the Sudan since introduction of its index as followed: 3rd in 2005; 1st in 2006; 1st in 2007; 2nd in 2008; 3rd in 2009, 3rd in 2010; 3rd in 2011; 3rd in 2012; 3rd in 2013; 5th in 2014; 4th in 2015; 4th in 2016; compare: homepage of the Fund for Peace, available at: <http://fundforpeace.org/fsi/>

⁵³⁷ See: Fund for Peace: Failed States Index 2012: The Troubled Ten (Plus One), available at: <http://library.fundforpeace.org/fsi12-top-ten>

⁵³⁸ Capital of South Sudan.

Widespread violence occurred on the border to the South resulting in significant loss of life and livelihood.⁵³⁹ The fight for oil that had intensified after South Sudan's independence left aside the fact that the oil fields in the Sudan and South Sudan were not (and still aren't) comprehensive. Moreover, since the reliability of the oil cannot be lasting, both the Sudan as well as South Sudan need to focus on the development of their other sectors. As Ambassador Cliff pointed out in 2010, "the oil deposits gave the North and the South "some kind of breathing space (...) to reorganize [their] economy" but there "are big dangers for the north and the south thinking they can rely on oil like Saudi Arabia does. The real potential lies elsewhere, in agriculture and other"⁵⁴⁰ areas.

Map 4.1.2.1.2: **Sudan's oil fields**⁵⁴¹



⁵³⁹ See: The New York Times, *Sudan*, February 14, 2012. Available at: <http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html>

⁵⁴⁰ Interview with Ambassador Cliff, 2010

⁵⁴¹ Sudan's Oil Fields. Available at: http://southsudaninfo.net/wp-content/uploads/reference_library/maps/map_sud_oil_464.gif

Given that the oil cannot be a lasting source for economic stability, the government needs to focus on “economic diversification, stronger public services, and a more professional security sector to deal with civil unrest”⁵⁴².

4.1.2.2 The South

Since its independence on July 09 2011, the official name of the South is The Republic of South Sudan (ROSS) with Juba being its capital. The country’s ruling party is the Sudan’s People Liberation Movement (SPLM), which once used to be Sudan’s political opposition movement and thus had the Sudan’s People Liberation Army (SPLA) as its military wing. With the sudden death of Garang in a helicopter crash on 30 July 2005, Salva Kiir Mayardit was made leader of the SPLM⁵⁴³ and took on the presidency of Southern Sudan in the same year. In this position, he was reelected in the 2010 elections by gaining 93 percent of the vote.⁵⁴⁴

These days, Salva Kiir Mayardit is South Sudan’s president and thus renewed for a long history of commitment for Southern Sudan. During the first civil war, he fought as junior officer with the Anya Nya movement against the central government in the North. South Sudan’s military branches are the South Sudan Armed Forces of which the SPLA forms the core.⁵⁴⁵

The Republic of South Sudan borders the Republic of Sudan in the north, Ethiopia in the east, Kenya in the south, Uganda and the Democratic Republic of the Congo and the Central African Republic in the west. The country is divided into ten states, i.e. Central Equatoria, Eastern Equatoria, Western Equatoria, Northern Bahr el Ghazal, Western Bahr el Ghazal, Lakes, Warrap, Upper Nile, Jonglei, and Unity.

⁵⁴² Fund for Peace: Failed States Index 2013: The Troubled Ten, available at: <http://library.fundforpeace.org/fsi13-troubled10>

⁵⁴³ SPLM is no longer considered a rebel group and is now a legitimate political party.

⁵⁴⁴ See: African History, *Salva Kiir Mayardit. Southern Sudanese Nationalist and First President of South Sudan*. Available at: http://africanhistory.about.com/od/South_Sudan/a/Salva-Kiir-Mayardit.htm

⁵⁴⁵ Central Intelligence Agency, *The World Fact Book, South Sudan*. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/od.html>

Even though Southern Sudan has a plurality of different ethnic groups, the main ethnicities are the following: Dinka, Kakwa, Bari, Azande, Shilluk, Kuku, Murle, Mandari, Didinga, Ndogo, Bviri, Lindi, Anuak, Bongo, Lango, Dungotona, Acholi.⁵⁴⁶

Map 4.1.2.2.1: **South Sudan**⁵⁴⁷



When South Sudan entered statehood in 2011, it was one of the poorest countries in the world. Although, an estimated 75 percent of all oil reserves of the former united the Sudan are located in the South, the refineries and the pipeline to the Red Sea are located in the North. Although the South received 50 percent of the oil revenues under the CPA, this arrangement was set to expire with its independence in 2011. Certainly, the question of wealth sharing, is one of the most pressing challenges the North and the South are still facing.

Even though South Sudan was not formally included in the Fund for Peace in 2012, it has been ranked in its Fragile States Index as one of the most fragile states in the world since that time. In 2014 and 2015 South Sudan was even heading the index.⁵⁴⁸

⁵⁴⁶ Ibid

⁵⁴⁷ Shortwave Central: *Regions of South Sudan*, available at: <http://mt-shortwave.blogspot.com/2011/09/voa-reporter-helps-put-south-sudan-on.html>

⁵⁴⁸ The Fragile States Index in ranking South Sudan as follows: 4th in 2012 even though not formally

This is quite a devastating result for this young nation.⁵⁴⁹ Despite the fact that South Sudan is still listed as one of the world's least industrialized countries, the country could usher an economic boost.⁵⁵⁰ Its non-oil sector should strengthen the "economic growth in the medium term through the continued revival of agriculture and increased investment in infrastructure, especially roads and electricity, and manufacturing."⁵⁵¹ However, these improvements are still falling short due to difficult investment situations given that economic and infrastructural investments in conflict areas with wide spread violence are difficult to achieve. Moreover, epidemic corruption⁵⁵² contributes to a shortfall in development efforts. Subsequently, the country has not been able to effectively utilize the large volume of aid it has received since its independence to build up its capacity.⁵⁵³

Additionally, poor infrastructure in vast areas of the country implies higher production costs and limited opportunities for broad-based non-oil growth. On top of that, migration between the Sudan and South Sudan has continued after the South had claimed its independence which added to the food shortage that followed the drought the South faced in 2012, thus causing additional population pressure on a new state that had already been struggling to provide its people with the most basic services. Unresolved frictions regarding the oil rights and pipeline fees had led the South to halt its oil production for more than a year (starting in January 2012) even though more than 90% of the southern income was projected to come from the oil production which resulted in a tense economic situation.⁵⁵⁴

included in the index; 4th in 2013; 1st in 2014; 1st in 2015; 2nd in 2016; compare: Fund for Peace: Fragile States Index, available at: <http://fsi.fundforpeace.org/rankings-2016>

⁵⁴⁹ See: Fund for Peace: Failed States Index 2012: Change is the only constant, available at: <http://library.fundforpeace.org/fsi12-change-is-only-constant>

⁵⁵⁰ See: BBC News Africa: *South Sudan Profile*, available at: <http://www.bbc.co.uk/news/world-africa-14069082>

⁵⁵¹ African Economic Outlook: *Sudan Overview*, available at: <http://www.africaneconomicoutlook.org/en/countries/east-africa/sudan/>

⁵⁵² "Estimated \$4 billion of public funds having gone stolen or unaccounted for by mid-2012 alone". Fund for Peace: Failed States Index 2013: The Troubled Ten, available at: <http://library.fundforpeace.org/fsi13-troubled10>

⁵⁵³ See: Fund for Peace: Failed States Index 2013: The Troubled Ten, available at: <http://library.fundforpeace.org/fsi13-troubled10>

⁵⁵⁴ See: Fund for Peace: Failed States Index 2013: The Troubled Ten, available at: <http://library.fundforpeace.org/fsi13-troubled10>; Fund for Peace: The World's Most Fragile States in 2014, available at: <http://library.fundforpeace.org/fsi14-fragile10>

Widespread insecurity and massive violence force “the government to spend its resources combating threats instead of promoting overall growth and development”⁵⁵⁵.

Due to its financial constraints and insecurity in some areas, the country is currently confronted with tremendous difficulties in providing public.⁵⁵⁶ An increased focus on the non-oil sector will be inevitable in the light of a decline of its oil. The challenges the Republic of South Sudan is currently facing are evident. In order to provide for a peaceful future, a robust peace as well as a sustainable economic base will be needed for this war-torn country.

⁵⁵⁵ Fund for Peace: Failed States Index 2012: The Troubled Ten (Plus One), available at: <http://library.fundforpeace.org/fsi12-top-ten>

⁵⁵⁶ See: African Economic Outlook, *Sudan Overview*, available at: <http://www.africaneconomicoutlook.org/en/countries/east-africa/sudan/>

4.2 United Nations Interventions

This chapter examines the conditions that lead to success or failure of United Nations' peacekeeping operations and therefore tackles the research question of the current thesis. It thereby focuses on internal conflicts managed by the United Nations. What are the success factors that enable the United Nations to bring some operations to a successful end? Why do others remain as examples for failure of the United Nations' conflict management?

The United Nations itself defines framework conditions that lead to a successful performance and completion of an operation. Besides them, additional success factors are naturally evident in the literature and are also applied on several UN operations. Following an overview of UN operations in Africa and their successes or failures, the same method will be applied upon the United Nations' involvement in the Sudan – failure or success?

4.2.1 Scope and Definition

The analysis intends to apply the chosen method on internal conflicts, with the Sudan as case study, since – as has been highlighted above – the world was and still is witnessing an ongoing increase in intrastate wars. As a result, the United Nations was forced to react to this development with the enhancement of its operational tools as it was pushed into a new era of peacekeeping.⁵⁵⁷ Unavoidably, the complexity of intrastate conflicts did not challenge the United Nations' organizational units and infrastructure, but also the common perception of neutrality and, force as well as the role of negotiation. Internal war does not only cause human suffering on the affected population but also keeps the inherent threat of a spillover to the neighboring regions. Accordingly, intrastate conflicts keep the immanent risk of destabilizing an entire region.

⁵⁵⁷ Compare for more information about the different generations of United Nations operations chapter 3.2 *The Dimension of International Peace Operations – the United Nations' Blue Helmets as Conflict Management Tool* of this thesis.

Being the protector of the world peace, intrastate conflicts are therefore of high priority for the United Nations, thus making the question of success or failure of UN engagement in internal conflicts highly relevant.

When looking at the development of the neighboring countries of the Sudan and South Sudan from 2007 to 2016 as defined by the Fragile States Index 2016, the following picture develops: While there are some improvements in the Sudan⁵⁵⁸, the index displays a worsening of the stability in Kenya. In Chad, Congo, Egypt, Ethiopia, Uganda the index identified a marginal worsening between 2007 and 2016 and a critical worsening of the stability of Libya. Finally, a significant worsening of the stability in Eritrea and the Central African Republic⁵⁵⁹ was identified in the timeframe mentioned above.

As discussed in chapter 2.4 *From Fragile to Collapsed States* in this thesis, South Sudan was the most fragile state in the world in both 2014 and 2015 and was thereby joined with a very high alert by the Sudan, the Central African Republic and the Democratic Republic of Congo at that time. This fact resulted in a still ongoing UN involvement in the Sudan, South Sudan, the Democratic Republic of Congo and the Central African Republic.

Given that the Fragile States Index 2016 either displays all neighboring countries of the Sudan and South Sudan with a very high fragility alert (as e.g. the Chad, the Central African Republic and the Democratic Republic of Congo) and thus classifies them as failed states or with an alert (as e.g. Egypt, Libya, Uganda, Kenya, Ethiopia and Eritrea), the fact that the developments in the Sudan and South Sudan are classified as having a very high alert as regards their stability in the 2016 Index almost look “natural”. It cannot be generalized that if there is one unstable state there is naturally also another one. However, as literally all neighboring countries have relevant, if not significant troubles with their stability, a certain spillover effect cannot be ignored. For further information about stability in Africa see chapter 3.4 *From Fragile to Collapsed States* of this thesis.

⁵⁵⁸ While the Fragile States Index 2016 distinguishes between the Sudan and South Sudan regarding their level of fragility it does not include South Sudan in the trend analysis. There only the Sudan is listed.

⁵⁵⁹ See: The Fund for Peace: Fragile States Index 2016, 2016, p. 10 f.

When comparing different United Nations' operations, the focus needs to be on operations that took place in Africa. Since a broad comparison of different UN operations in Africa is beyond the scope of this thesis, only a limited review of the successes and failures of UN conflict management (easily to be identified due to its blue helmets) will be displayed here. The geographical limitation undertaken is not only caused by the scope of this analysis but as the focus is on the Sudan, it seems logical to limit the peacekeeping and peace enforcement operations on those that were dispatched to Africa.

Additionally, as regards the numbers of operations deployed, Africa is the most popular continent for United Nations' operations⁵⁶⁰. In fact, between 1948 and May 2017 the UN concluded 55 operations out of which 23 took place in Africa.⁵⁶¹ After the United Nations Operation in the Congo (ONUC 1960-1964) remained the only UN operation in Africa for a long time, an uprise has been noted in the number of UN operations on this continent after the end of the Cold War. Finally, the installation of an operation to respond to the conflicts in Africa was not blocked by one of the two blocks of the Cold War within the UN Security Council.

The importance of United Nations' operations in Africa is caused by the numerous problems this continent faces and that can be observed to be evident in most – if not all – African countries by having a great impact on the results of an operation but at making peacekeeping a particularly difficult task. Those difficulties include e.g. numerous (natural) religions and indigenous cultures as well as thus resulting ethnic tensions, poor as well as high population size, water and food scarcity due to climate change, poor infrastructure, non-functional governments, the low level of education of large parts of the population, the colonial past, borders set up by colonial powers rather than being historically defined, trade with weapons and natural resources to finance war, etc. Therefore, African countries have a longstanding history of violence with recurring conflicts which makes peacekeeping on this continent especially difficult.

⁵⁶⁰ Subsequent the term peacekeeping includes also peace enforcement.

⁵⁶¹ See: United Nations Peacekeeping, *Past peacekeeping operations*, available at:

The United Nations needs to work with partners to fulfill the numerous tasks it deals with. In 2006 for example, the Sudan confronted the United Nations with “the most complex, combined peacekeeping challenges to the international community”⁵⁶².

As regards Africa, the African Union (AU) is considered a major partner which becomes increasingly important when it comes to peacekeeping. This fact is also displayed in the Sudan where the United Nations hosted two operations, i.e. one with UNMIS (that ended in 2011 and is now continued with UNMISS) to “oversee the north-south peace process, and the other” together with the “African Union to manage the Darfur crisis”⁵⁶³. As a matter of fact, the operation in Darfur is the first-ever AU-UN led operation (UNAMID⁵⁶⁴). The reason therefor is that the United Nations “soon recognized that its operations would lose credibility in Africa unless it was seen to be acting in harmony with”⁵⁶⁵ the African Union. However, the “continued use of United Nations peacekeeping by the Security Council testifies to its continuing relevance and its unique universality and legitimacy.”⁵⁶⁶

Since the focus of this thesis is on peacekeeping and peace enforcement operations, only operations with a similar purpose can be compared when providing an overview of United Nations’ operations in Africa. In fact, United Nations fact finding missions or observer missions as well as peacekeeping operations can hardly be compared due to their dissimilar objective.

On the other hand, peacekeeping and enforcement operations could be analyzed together since they are most similar in comparison to other UN operations. Peacekeeping and peace enforcement operations are hardly to be distinguished on the ground since the slight differences are often blurred. On the one hand, this is caused by the fact that peacekeeping and enforcement operations have both the aim to create a situation in which negotiations with and between the conflict parties can take place and measures for the creation of a long-lasting peace can be applied.

<http://www.un.org/en/peacekeeping/operations/past.shtml>

⁵⁶² Bah/ Johnstone, 2007, p. 30

⁵⁶³ Ibid, p. 30

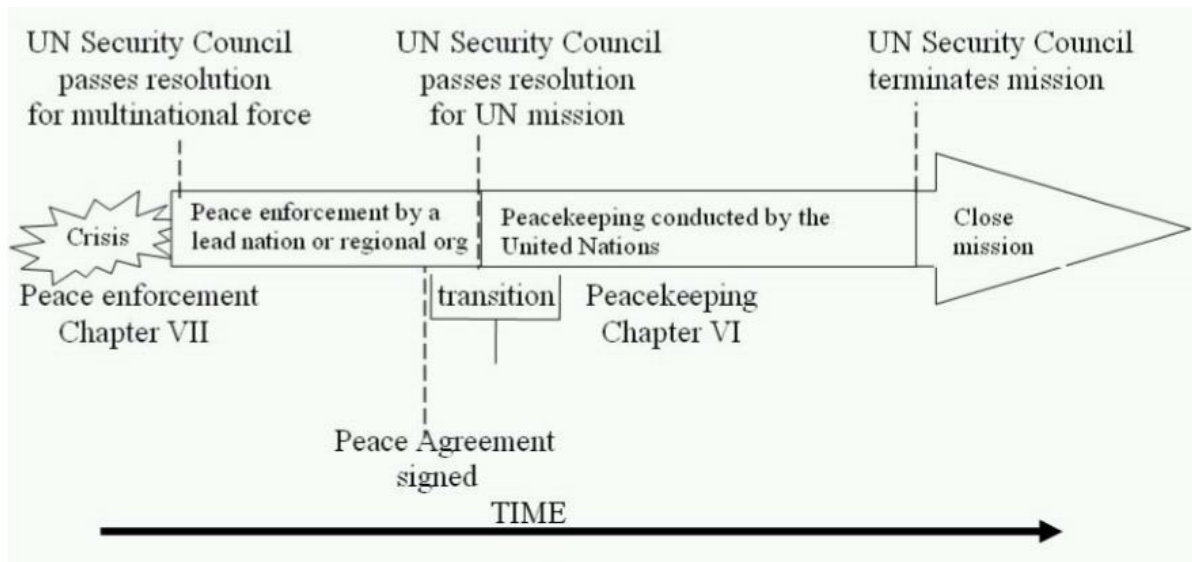
⁵⁶⁴ For more information see chapter 4.2.4 *UNAMID: African Union-United Nations Hybrid Operation in Darfur* (July 2007- to date) of this thesis.

⁵⁶⁵ Goulding, 1999, p. 156

⁵⁶⁶ UN Doc. S/PV.7196, 11 June, 2014, p. 3

On the other hand, both operations evolve from each other, i.e. historically, enforcement operations evolved from traditional peacekeeping operations but as displayed in the graph below, it often happens the other way around in practice.

Graph 4.2.1.1: **Where Peace Enforcement ends and Peacekeeping starts**⁵⁶⁷



Several debates have taken place within the United Nations and the academia, whereby the need for enforcement operations has been highlighted in order to provide the operations with the necessary force to fulfill their mandate.

The first enforcement operations were so called Chapter VII operations, whereas peacekeeping operations were equipped with a Chapter VI mandate – as discussed in chapter 2.2.1 as well as in chapter 3.2 of this thesis.

The main difference between these two operations is that while peacekeeping already requires peace in order to be kept, the immediate goal of peace enforcement is to create space between the parties and therewith to terminate hostilities.⁵⁶⁸

It is now common practice to equip both operations with a Chapter VII mandate, which makes it even more difficult to distinguish them from each other. However, another difference between these two operations is the consent of conflict the main parties as regards their deployment.

⁵⁶⁷ Oliver, 2002, p. 112

As argued by MacQueen in 2006, the presence of an operation and its use of force is more likely to be physically contested if a state's permission for a multilateral intervention is no longer a fundamental prerequisite for the deployment of a force.⁵⁶⁹ Even though peacekeeping operations do need the consent of the main conflict parties before deployment, peacekeeping operations can also lose this consent while in theatre. In such case, peacekeeping operations are not forced to set off and are then also in the position to be more likely physically contested since the necessary measures taken by the United Nations need to be imposed on uncooperative parties by force. In fact, this is the same as with peace enforcement operations. However, the importance of the consent became more evident after the UN operations in Somalia, Bosnia and Rwanda when the peacekeeping forces were unable to fulfill their mandates.

On the other hand, those cases also show the importance to provide the peacekeepers⁵⁷⁰ with the necessary equipment required to use force in the face of spoilers.⁵⁷¹ In addition, the principle of the "minimum use of force" has been expanded and now includes the defense of the mandate by comparison to when the use of force was reduced to self-defense. "Such flexibility is necessary when dealing with dynamic and varied conflict environments but it has also led to confusion as to how these principles should be applied and a blurring of the lines between peacekeeping and peace enforcement."⁵⁷²

Since Africa is a continent with a very high number of fragile, failing, failed or even collapsed states (see chapter 2.4 *From Fragile to Collapsed States* in this thesis) peace enforcement is necessary in order to establish an effective and functioning government and local security or police forces.

⁵⁶⁸ See: Waller, 2013, p. 11

⁵⁶⁹ MacQueen, 2006, p. 9

⁵⁷⁰ Note that UN personnel is also called peacekeepers even if performing enforcement actions under a UN Security Council mandate. Compare: Oliver, 2002, p. 101

⁵⁷¹ The Princeton Encyclopedia of self-determination, *Peacekeeping/ Peace Enforcement*, available at: <http://pesd.princeton.edu/?q=node/259>

⁵⁷² The Princeton Encyclopedia of Self-Determination: *Peacekeeping/Peace Enforcement*, available at: <https://pesd.princeton.edu/?q=node/259>

As Africa, and in particular the Sudan, which is also categorized as failing/failed state, as well as the United Nations' conflict management applied in this country is the focus of this thesis, UN enforcement operations are included in this comparison, too.

In fact, this thesis uses the broad definition of peacekeeping operation based on the definition by Bratt (1999), who also includes first-generation (e.g. UNEF I and UNFICYP)⁵⁷³ and second-generation peacekeeping operations (UNTAC and MINOSUR)⁵⁷⁴. In contrast to Bratt (1999), who only includes operations authorized under Chapter VII of the UN Charter in order to protect humanitarian aid (UNOSOM II and UNPROFOR)⁵⁷⁵⁵⁷⁶, this thesis also includes third-generation (robust) peacekeeping (including peace enforcement) but excludes the fourth-generation (peacebuilding) described in chapter 3.2.1 *The Rise of United Nations Peace Operations*. Given that the Sudan is the first country hosting so called hybrid operations (fifth-generation), this operation (UNAMID) is included in this analysis.

4.2.2 Defining Success

Since the United Nations has learned from its failures, it has clearly named several factors that are crucial for an operation's success.

A peacekeeping operation must:⁵⁷⁷

- be guided by the principles of consent, impartiality and the non-use of force except in self-defense and defense of the mandate;
- be perceived as legitimate and credible, particularly in the eyes of the local population;

⁵⁷³ The First UN Mission as already stated above and the UN Force in Cyprus monitoring cease-fires and patrol buffer zones.

⁵⁷⁴ UN Transitional Authority in Cambodia and the UN Mission for the Referendum in Western Sahara conducting elections and assisting with a state's civil administration.

⁵⁷⁵ United Nations Operation in Somalia II and the United Nations Protection Force in the former Yugoslavia.

⁵⁷⁶ See: Bratt, 1999, p. 64

⁵⁷⁷ The Capstone Doctrine (2008) highlights those success factors in Part I, Chapter 3, pp. 31-43; compare: United Nations Peacekeeping: *Success* in peacekeeping, available at: <http://www.un.org/en/peacekeeping/operations/success.shtml>

- promote national and local ownership of the peace process in the host country.

Other important factors that have proved successful include:

- genuine commitment to a political process by the parties in working towards peace (there must already be peace in order to be kept);
- clear, credible and achievable mandates with matching personnel, logistics and financial resources;
- the unity of purpose within the Security Council, with active support to UN operations in the field;
- the host country's commitment to unhindered UN operations and freedom of movement;
- supportive engagement by neighboring countries and regional actors;
- an integrated UN approach, effective coordination with other actors on the ground and good communication with host country authorities and the population;
- the utmost sensitivity towards the local population
- upholding the highest standards of professionalism and good conduct (peacekeepers must avoid becoming part of the problem).⁵⁷⁸

Since United Nations' peacekeepers "go almost by definition to the most physically and politically difficult environments"⁵⁷⁹, it goes without saying that the success of an operation can never been granted. When deployed in the aftermath of an internal conflict, they face a particularly challenging environment. As described in the Capstone Doctrine

⁵⁷⁸ United Nations Peacekeeping: *Success in peacekeeping*, available at: <http://www.un.org/en/peacekeeping/operations/success.shtml>

⁵⁷⁹ United Nations Peacekeeping: *What is Peacekeeping*, available at: <https://www.un.org/en/peacekeeping/operations/peacekeeping.shtml>

“the State’s capacity to provide security to its population and maintain public order is often weak, and violence may still be ongoing in various parts of the country. Basic infrastructure is likely to have been destroyed and large sections of the population may have been displaced. Society may be divided along ethnic, religious and regional lines and grave human rights abuses may have been committed during the conflict.”⁵⁸⁰

Without no doubt, the prerequisite for the successful implementation of an operation is a genuine desire of the parties involved to settle the conflict by peaceful means. Unfortunately, this is not enough since the international community and therewith its will to engage in settling a conflict – especially once arms have been used – play a crucial role. It is essential that the mandate of a peacekeeping operation is clear and that the required financial and human resources to achieve the operation’s objectives are provided. As stated in the General Assembly Report *A more secure world: our shared responsibility*

“Peacekeeping fails when resources and strategies are not commensurate to meeting the challenge they pose – as occurred repeatedly in the 1990s, for example in Rwanda and Sierra Leone. When peacekeeping operations are deployed to implement peace agreements, they must be equipped to repel attacks from spoilers. (...) missions that do not have the troop strength to resist aggressions will invite it. In some contexts, opposition to a peace agreement is not tactical but fundamental. (...) peace agreements by Governments or rebels that engage in or encourage mass human rights abuses have no value and cannot be implemented. These contexts are not appropriate for consent-based peacekeeping; rather, they must be met with concerted action.”⁵⁸¹

In short, UN operations need a strong (political) support by the international community and a political process needs to accompany a peacekeeping operation since peacekeeping cannot and should not serve as substitute for it.⁵⁸²

⁵⁸⁰ United Nation, *United Nations Peacekeeping Operations, Principles and Guidelines*, New York, 2008, p. 22

⁵⁸¹ UN Doc. A/59/565, 2 December 2004, para. 222, p. 60

⁵⁸² Compare: United Nation Department of Public Information, *Basic Facts about the United Nations*,

Due to the broad international acceptance and the fact that those operations are a valuable conflict management tool of the international community, the United Nations' peace operations can then not only foster a dialog and discussions among the conflict parties but can also focus the global attention on local concerns. As a result, both, the conflict parties as well as the supportive parties of the international community can address these needs in the collective peace efforts.

Since its existence, the United Nations has built up a demonstrable record of success. In fact, the most cited success stories are the operations in Namibia (1989-1990)⁵⁸³ and Mozambique (1992-1994)⁵⁸⁴ thus as already stated, also including the award of the Nobel Peace Prize in 1988. Those successes go hand in hand with devastating results of United Nations' conflict management; most notably in Africa (Somalia, Rwanda, Angola and the Democratic Republic of the Congo). In fact, these failures led to the slogan "African solutions for African problems" which actually summarizes the reluctance of major powers within the UN Security Council to engage in large scale UN involvement in Africa.

As a matter of fact, the United Nations' forces actually declined between 2006 and 2007, thus providing one reason why UN peacekeeping did not always achieve its goals. Jean-Marie Guehenno, UN Under-Secretary-General for Peacekeeping Operations from 2000-2008, picked up this point when he stated that the international community's "often faltering support for UN peacekeeping operations was making it difficult to maintain gains in key conflict areas"⁵⁸⁵. However, even though the western powers lacking will to engage on a large scale in Africa is probably one of the reasons why operations on this continent did not achieve the goals envisaged in their mandates, there are certainly other important factors as well.

New York, 2011, p. 64 f.

⁵⁸³ For more information about the United Nations Transition Assistance Group (UNTAG) compare: United Nations: Completed Peacekeeping Operations, available at: <http://www.un.org/en/peacekeeping/missions/past/untag.htm>

⁵⁸⁴ For more information about the United Nations Operation in Mozambique (ONUMOZ) where the UN monitored the nation's first democratic elections see: United Nations: *Completed Peacekeeping Operations, Mozambique (ONUMOZ)*, available at: <http://www.un.org/en/peacekeeping/missions/past/onumoz.htm>

⁵⁸⁵ Ahere, 2009, p. 7

Besides the success factors defined by the United Nations that are, in fact more “lessons learnt” reports than developed by objective standards, there are other approaches on how to evaluate peacekeeping. As an operation can be successful in one respect but fail in another, it therefore depends on the respective perspective if a UN operation is perceived as success or failure.

In addition, “the ambiguity of success and failure, as well as the timeframe used to measure the durability of results’ makes it difficult”⁵⁸⁶ to measure success. Therefore, in order to understand UN peacekeeping, it is fundamental to use a “systematic attempt to define success”⁵⁸⁷.

Since the main purpose of the United Nations is to prevent war and contribute to the world peace, it is necessary to not only analyze the short-term impact the United Nations’ peacekeeping brings about, but also the contribution of its conflict management to long term stability. As analyzed by Fortna in 2008, the United Nations’ peacekeeping operations work, are extremely effective and have a significant influence on a lasting peace.⁵⁸⁸

In contrast to that, Diehl et al (1998) argue that the United Nations has had limited short-term success when intervening in international disputes⁵⁸⁹ and find that the United Nations is ineffective in solving conflicts in the long run⁵⁹⁰.

Piiparinen (2010) states that the complexity of United Nations’ structures and mechanisms contribute to failure⁵⁹¹, and Bellamy and Williams (2011) conclude that there is much more conclusive evidence that peace operations can help to manage conflicts and lay the foundations for stable peace.⁵⁹²

In order to be able to compare if a factor is given and indeed leads to a successful completion of an operation, it is necessary to define what is actually perceived as success.

⁵⁸⁶ Bratt, 1999, p. 65

⁵⁸⁷ Bratt, 1999, p. 65

⁵⁸⁸ Fortna, 2008, p. 125 f.

⁵⁸⁹ Diehl et al, 1996, p. 685

⁵⁹⁰ Ibid, p. 697

⁵⁹¹ Piiparinen, 2010, p. 76

⁵⁹² Bellamy/Williams, 2011, p. 169

Subsequently, a set of criteria is provided below in order to examine the operational success of an operation. In fact, the first step to examine if and how the mandate was fulfilled.

Since this approach alone would not include qualitative criteria, the definition of success as outlined by Pushkina (2006)⁵⁹³ is used since it does not only include the short-term effects achieved at the completion of the mandate but also allows the “evaluation of the mandate itself and the mission’s contribution to the UN’s broader goals of international security and reduction of human suffering.”⁵⁹⁴

Success criteria by Pushkina⁵⁹⁵:

- **Criterion 1:** Limiting violent conflict in the host state is the primary goal of peacekeeping. Since peacekeepers are often deployed after a ceasefire agreement is in place, the peacekeepers’ task is often to maintain that peace. This is a particularly challenging task in intrastate conflicts where various military factions may continue fighting despite any general ceasefire and where international borders that might separate warring parties are absent. This criterion is applied by analyzing whether a mission succeeded in curbing large-scale violence, sustaining ceasefire agreements, reducing the number of conflict related casualties and supervising demobilization, and by assessing the progress of disarmament.
- **Criterion 2:** Reduction of human suffering is another primary goal of peacekeeping missions. The UN is supposed to prevent atrocities against civilian populations, and peacekeeping missions are a major instrument towards achieving this goal. This criterion is operationalized by estimating the extent of any reduction in human rights abuses and the mission’s success in resettling refugees.

⁵⁹³ Pushkina based her criteria on those of Duane Bratt (1999) who “builds upon the criteria proposed by Brown (1993) and Diehl (1993) by including the additional criterion of limiting violent conflict resulting in casualties”. Pushkina, 2006, p. 135

⁵⁹⁴ Pushkina, 2006, p. 134

⁵⁹⁵ Pushkina, 2006, p. 134 f. based on Bratt, 1999, p. 67 ff.

- **Criterion 3:** Preventing the spread of conflict beyond the object state's borders is also important for ensuring regional security. An internal conflict can spread to other countries in the region by the process known as 'contagion'. Violence against civilians often creates refugee flows, and diaspora populations can cause competition for resources, provoking further conflict in neighboring countries. To evaluate this criterion, the study assesses the extent to which the integrity of neighboring countries has been kept intact.
- **Criterion 4:** Promoting conflict resolution is a final measure of the effectiveness of the UN mission. For peacekeeping, it requires the creation of a stable environment that is capable of preventing the recurrence of hostilities after the peacekeeping mission withdraws. This criterion will thus be assessed according to the extent to which the environment fostered by peacekeepers inhibits future violence.
- **Criterion 5:** Implementation of the mandate.

Pushkina (2006) based her criteria on Bratt (1999) who uses similar criteria.

4.2.3 A Short and Broad Overview of Successes and Failure of United Nations Peacekeeping Operations in Africa

In this chapter, a summary of different United Nations' peacekeeping operations that were tested upon the afore mentioned success factors is provided. The thesis does not aim to examine what happens if peacekeepers are not deployed. The research question does not include the question if the conflict parties could solve their conflict on their own etc. – in fact, there have been many cases of internal wars that ended with no deployment of United Nations peacekeepers. Since an analysis of what might have happened if UN peacekeeping' operations had not been deployed would be beyond the scope of this thesis, peacekeeping operations analyzed by Pushkina and Bratt are displayed below and are followed by the case study focusing on the analysis of UN peacekeeping in the Sudan.

UN peacekeeping operations⁵⁹⁶ in Africa have been examined on the basis of the above-listed criteria and classified as successful, partially successful or failed.

Successful operations implemented most elements of their mandate, prevented the outbreak of large-scale violence, sustained ceasefires, supported the disarmament process, reduced human rights abuses, supported the resettlement of refugees and internally displaced people (IDPs), and created safe environments in which large-scale violence did not recur once the peacekeeping operation had left.⁵⁹⁷

Failed operations, on the other hand, tended to show the opposite characteristics: persistence of violence, no or marginal implementation of demobilization and disarmament, the continuing of war-related casualties and severe human rights abuses without any significant reduction, low resettlement numbers of refugees and IDPs, spread of the conflict to the neighboring country or countries, destabilization of the region, and large or even larger-scale violence after the withdrawal of the United Nations' peacekeeping operation.⁵⁹⁸

⁵⁹⁶ For an overview on past and ongoing UN operations in Africa see chapter 2.4. of this thesis.

⁵⁹⁷ See: Pushkina, 2006, p. 135

Given that a comprehensive comparison of all peacekeeping operations conducted by the United Nations in African with their successes and failures is beyond the scope of this study, Pushkina's analysis is shortly displayed below. This follows the use and application of Pushkina's and Bratt's methods on the finalized UN operation in the Sudan (UNMIS) in chapter 4.2.3 of this thesis.

The application of the same method upon the three ongoing operations in the Sudan in the following chapters should provide an overview of the effectiveness of UN conflict management in this country as well as in Africa in general.

⁵⁹⁸ See: Pushkina, 2006, p. 135 ff.

Graph 4.2.3.1: Comparison of United Nations Peacekeeping Operations⁵⁹⁹

Operation	Mandate complete?	Limiting violence (ceasefire violations/ armed clashes)	Conflict related casualties	Refugees and IDPs	Spread of conflict	Return to war	Success/Failure
ONUC/ Congo 07/1960-06/1964	Nearly	Major/No change	Many/Increase	No change	Some	No	Partial
UNTAG/ Namibia 04/1989-03/1990	Yes	Few/Decrease	Few/Decrease	No change	No	No	Success
ONUMOZ/ Mozambique 12/1992-12/1994	Yes	No clashes/Decrease	Few/ Decrease	Return	No	No	Success
UNOSOM II/ Somalia 03/1993-03/1995	No	Major/Increase	Many/Increase	Outflows	No	Yes	Failure
UNAMIR/ Rwanda 10/1993-03/1996	No	Major/Increase	Many/Increase	Outflows	Some	No	Failure
UNAVEM III/Angola 02/1995-06/1997	Begun	Major clashes/No change	Many/No change	Outflows	Some	Yes	Failure
UNMIS/ Sudan 03/2005 – 07/2011	Nearly	Major/No Change	Many/No change	Return	Some	Yes	Failure

Out of the UN peacekeeping operations taking place in Africa, Pushkina (2006) concludes the analysis of UNTAG, ONUMOZ, ONUC, UNAVEM III, UNOSOM II and UNAMIR as follows: UNTAG (1989-1990), ONUMOZ (1992-1994) are categorized as success; ONUC (1960-1964) as partially successful; while UNAVEM III (1995-1997), UNOSOM II (1993-1995) and UNAMIR (1993-1996) are examples of failure.⁶⁰⁰ The author of the present thesis also perceives UNMIS (2005-2011) as failure. (For detailed information see chapter 4.2.3 of this thesis: *UNMIS: United Nations Mission in Sudan*)

⁵⁹⁹ Graph compiled by the author, based on information provided by Pushkina 2006, p. 136 f.

⁶⁰⁰ See: Pushkina, 2006, p. 135

4.2.4 UNMIS: United Nations Mission in Sudan (2005-2011)

Even though an overview of the long-lasting conflicts in the Sudan is provided in chapter 4.1 *Sudan's History. A Brief Summary* of this thesis, a short introduction is provided at this point in order to provide for better understanding the settings in which the United Nations' operation was deployed in 2005.

In 1983, the latest civil war between the North and South Sudan broke out. At that time, the sources of conflicts in the Sudan were revolving around the fight over resources, power(-sharing), self-determination and the role of religion in the state. After decades of fights between the northern government and the main rebel movement in the South, the Sudan People's Liberation Movement/Army (SPLM/A), the regional peace initiative marked the first successes in this country under the patronage of the Inter-Governmental Authority on Development (IGAD) in 1993.

In fact, this initiative led to the signing of the Machakos Protocol in July in 2002. As a matter of fact, the Protocol enabled the conflict parties to reach consensus over a broad framework, thus including principles of governance, structures of government, on the right for self-determination of the South as well as on state and religion.⁶⁰¹

However, the crisis in Darfur started to escalate in the run-up to the Comprehensive Peace Agreement (CPA), which was signed in January 2005. As already described, Darfur already had a long history of "localized violence exacerbated by ethnic, economic and political tensions and competition over scarce resources"⁶⁰² and the situation was turned from a localized war (after the drought and famine 1984/85)⁶⁰³ into a rebellion (2003). The problem was that during the process of colonialism, some tribes were given homelands while others were not.

⁶⁰¹ To support the progress made by the Machakos Protocol, the UN Security Council established with resolution 1547 (S/RES//1547 (2004)) the United Nations Advanced Mission in the Sudan (UNAMIS). UNAMIS was a special political mission and mandated to prepare for an envisaged UN peace support operations. United Nations: *UNMIS-United Nations Mission in the Sudan, UNMIS background*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶⁰² United Nations: *UNMIS-United Nations Mission in the Sudan, UNMIS background*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶⁰³ Darfur is a case of severe desertification which has a major impact on the overall security situation in this area. For the last 25-30 years, the majority of violent clashes in Darfur can be „associated with the competition for the limited national resources, mostly grazing grounds and access to water.“ Interview with Vladimir A. Zhagora, 2009, the interview is available after contacting the author

After a “four-decades-long process of drought and desertification”, the conflict between “tribes with land and those without”⁶⁰⁴ started to exacerbate. Since it was a fight about group survival, it was fought with high brutality on both sides.⁶⁰⁵ This local civil war, in which the central government had originally not been involved, received its national context and thus broke into a larger war along ethnic lines⁶⁰⁶.

It started in 2001 when the SPLA and representatives of the radical Islamist fraction Mutammar al-Watani ash-Shabiyi (the Popular Congress Party with al-Turabi as its head) signed a Memorandum of Understanding in Geneva to coordinate their fighting against the Government of the Sudan.⁶⁰⁷ However, the situation escalated, when the SLA/M and the JEM began “to accuse the government of backing the Janjaweed and neglecting the socioeconomic conditions in the region”⁶⁰⁸ in 2003. It was only then when the national opposition parties joined the struggle between the Islamist al-Turabi and al-Bashir that the government got involved in Darfur.

The SLA/M⁶⁰⁹ and the JEM were launching an armed rebellion against the central government which eventually led to a disproportional harsh counter-insurgency by the government that decided to deploy its national armed forces and to mobilize local militia (especially) against non-Arab civilians.⁶¹⁰ This decision lifted violence in Darfur to an unprecedented level and threatened regional peace and security.

At that time, the SPLM was very close to the SLM/A under Mini Minawi and it can therefore be assumed that the central government reacted in the way it did due to this close relation. In fact, the government of the Sudan perceived the SLM/A as just another SPLM activity, that then took place much closer to the power base in Khartoum.⁶¹¹

⁶⁰⁴ Mamdani, 2009, p. 4

⁶⁰⁵ See: Mamdani, 2009, p. 4

⁶⁰⁶ It cannot be said that the counterinsurgency by the central government was excessively intended to be racial. “It was the vehicle available for the political centers in Khartoum since the past, when racism was part of the colonial governance. As for the Darfur population, this is how they perceived its own way out of the crisis, i.e. through an insurrection.” Therefore, the conflict in Darfur is “more or less along the lines of marginalization.” Interview with Vladimir A. Zhagora, 2009, the interview is available after See the author.

⁶⁰⁷ Compare: Prunier, 2005, p. 85

⁶⁰⁸ Piiparinen 2007, p. 366

⁶⁰⁹ The Sudan Liberation Army/Movement is a rebellion group active in Darfur and founded as Darfur Liberation Front by the Fur, Zaghawa and the Masalit which are the three indigenous ethnic groups of Darfur.

⁶¹⁰ See: Ibid, p. 366

⁶¹¹ See: Interview with Ian Cliff, 2010, the interview is available after contacting the author.

For years, the African Union tried to negotiate the crisis in Darfur and deployed military observer- and protection troops in Darfur to monitor and observe the N'Djamena Humanitarian Ceasefire Agreement of 8 April 2004, that had been signed between the central government, the SLA/M and the JEM.⁶¹²

The events in Darfur overshadowed the successes of the CPA that had been signed between the government and the SPLM/A in January 2005. It tackled issues that had been left open by the Machakos Protocol, e.g. power and wealth sharing, and human rights. Furthermore, the CPA included provisions on security arrangements and a more equal distribution of economic resources, thus including oil.⁶¹³ Interestingly, the SPLM/A, after signing the CPA “certainly after they came into the Government of National Unity while they were prepared to say yes, we will use our influence and try to bring about a solution in Darfur, we will use our influence with the rebel movements and with the NCP it was never on the top of their agenda.”⁶¹⁴⁶¹⁵ However, it seems that the SPLM/A did not make enough effort to support Darfur on its path to peace.

In March 2005, only two months after the CPA was signed, the UN Security Council decided to support the implementation of the CPA through the deployment of UNMIS⁶¹⁶ with its relevant resolution⁶¹⁷.

⁶¹² International efforts resulted in the inter-Sudanese peace talks known as the Abuja talks taking place in 2006.

⁶¹³ See: United Nations: *UNMIS-United Nations Mission in the Sudan, UNMIS background*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶¹⁴ Interview with Ian Cliff, 2010, the interview is available after contacting the author.

⁶¹⁵ „Once the Government of National Unity was formed their focus was really on the South and the question of Abyei and so on. There was a certain amount of political commitment from the SPLM. They were persuaded among others by us to take a more active role from time to time in the Abuja talks on Darfur. But I would say the SPLM never put enough political energy into it to really make a difference. And perhaps at one stage they could have done it, because they had credibility with both sides.” Interview with Ian Cliff, 2010, the interview is available after contacting the author.

⁶¹⁶ Initially the operation was authorized with a maximum of 10,000 military personnel including some 750 military observers, up to 715 police and an appropriate civilian component. The operation reached its maximum strength in January 2011 with a total of 10,519 uniformed personnel, 966 international civilian personnel, 2,837 local civilian staff and 477 United Nations Volunteers; with more than 60 countries contributing personnel. Compare: United Nations: *UNMIS, United Nations Mission in the Sudan (UNMIS Facts and Figures)*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/facts.shtml>

⁶¹⁷ UN Doc. S/RES/1590, 24 March 2005; SRSG and Head of Mission: after 2007 Ashraf Jehangir Qazi (Pakistan), Force Commander: Lieutenant-General Jasbir Singh Lidder (India), Police Commissioner: Kai Vittrup (Denmark); Budget: \$846.3 million (1 July 2007- 30 June 2008); Strength as of 31 October 2007: Military Observers: 583; Police: 696; International Civilian Staff: 865; Local

Equipped with a Chapter VII mandate, UNMIS tasks included the following:

- providing support for the implementation of the CPA;
- facilitating and coordinating the voluntary return of refugees and IDPs;
- promoting human rights;
- protecting civilians;
- monitoring and verifying troop redeployments;
- supporting elections and referendums;
- facilitating and coordinating humanitarian assistance;
- assisting in the mine action sector;
- contributing towards international efforts to protect and promote human rights.⁶¹⁸

The above-mentioned tasks determined in the mandate are typical of modern multidimensional peacekeeping operations.

After three years of conflict, a Peace Agreement was signed in Darfur (DPA) in May 2006 but did not bring peace to the region since fighting escalated after the signing of the Agreement between those who supported the DPA and those who did not. Therefore, the UN Security Council expanded the mandate of UNMIS and included Darfur in August 2006.⁶¹⁹ In this regard, UNMIS was supposed to support the “implementation of the DPA and the N’djamena Agreement on Humanitarian Ceasefire on the Conflict in Darfur”⁶²⁰.⁶²¹ Accordingly, UNMIS deployed personnel across all of Southern Sudan as well as in the CPA-related areas (Abyei, Blue Nile State and Southern Kordofan State).

Civilian Staff: 2,580; UN Volunteers: 253; Center on International Cooperation, 2008, p. 78.

⁶¹⁸ Compare: United Nations: *UNMIS, United Nations Mission in the Sudan (UNMIS Background)*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>; compare: Center on International Cooperation, 2012, p. 70; for more information about the mandate compare: United Nations; *UNMIS, United Nations Mission in the Sudan (Mandate)*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/mandate.shtml>

⁶¹⁹ UN Doc. S/RES/1706, 31 August 2006

⁶²⁰ United Nations, *UNMIS, United Nations Mission in the Sudan (UNMIS Background)*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶²¹ „UNMIS was not able to deploy to Darfur due to the Government of the Sudan’s steadfast opposition to a peacekeeping operation undertaken solely by the United Nations as envisaged in UN Doc. S/RES/1706, 31 August 2006. The UN then embarked on an alternative, innovative approach to try to begin stabilize the region through the phased strengthening of AMIS, before transfer of authority

However, important issues of the CPA remained unsolved and violent conflict persisted when the mission was supposed to come to an end in July 2011. In his report⁶²² to the Security Council, the UN Secretary General therefore urged for a three-month extension of the operation. He presumed that prolonging the period by three months would provide the necessary time to address persisting security-concerns in the South that needed to be addressed by both the North and the South together. According to the UN Secretary-General, UNMIS thus could also assist the conflict parties to seek for a solution of those as well as for the CPA and post-referendum issues and find an acceptable arrangement for the monitoring of the common border.⁶²³

However, despite the urge of the UN Secretary General, the government of the Sudan made clear⁶²⁴ that it would not agree to an extension on the UNMIS mandate beyond July 2011.⁶²⁵ Therefore, UNMIS ended after six years of deployment⁶²⁶, when the South declared independence in a referendum on 9 January 2011 that had been provided for by the CPA in 2005. Exactly six months later, on 9 July 2011, the UN Security Council established the successor mission UNMISS⁶²⁷ (United Nations Mission in South Sudan) to support the new nation.

Although some remarkable successes were achieved by the operation, UNMIS is to be classified as failure. When supporting the implementation of the CPA, UNMIS primarily provided “good offices to facilitate the dialogue between the strong central government of Sudan (...) and the nascent government of southern Sudan”⁶²⁸.

to a joint AU/UN peacekeeping operation” UNAMID that was authorized on 31 July 2007 with the Security Council Resolution 1769, UN Doc. S/RES/1769, 31 July 2007

⁶²² UN Doc. S/2011/314, 17 May 2011

⁶²³ See: United Nations, *UNMIS, United Nations Mission in the Sudan (UNMIS Background)*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶²⁴ The Government of Sudan declared its decision in a letter to the Security Council (UN Doc. S/2011/333, 31 May 2011).

⁶²⁵ See: Center on International Cooperation, 2012, p. 71

⁶²⁶ UN Doc. S/RES/1997, 11 July 2011

⁶²⁷ With the UN Doc. S/RES/1996, 8 July 2011. The mission was established first for a period of one year to “consolidate peace and security, and to help establish the conditions for development with a view to strengthening the capacity of the Government of the Republic of South Sudan to govern effectively and democratically and establish good relations with its neighbours.” United Nations: *UNMIS, United Nations Mission in the Sudan (UNMIS Background)*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶²⁸ Center on International Cooperation, 2008, p. 78

In fact, four million IDPs were estimated in the Sudan in 2004 (without displacement related to the Darfur crisis). UNMIS “coordinated the massive relief effort that has facilitated the return and reintegration of thousands of refugees and internally displaced persons.”⁶²⁹ Although more than half a million IDPs registered their intention to return home between 2006 and 2008, total returns were up to more than 2.3 million by the end of 2009.⁶³⁰⁶³¹ Besides those successes, the massive return of refugees and IDPs lead to “competition over land and water resources, as well as over severely strained services such as education and healthcare”⁶³².

Limited success was reached in DDR. There were 180,000 combatants expected to be disarmed, demobilized and reintegrated under the CPA, but until May 2011 only 48,000 adult ex-combatants had been demobilized, out of which some 30,950 persons had received counseling on reintegration opportunities.⁶³³⁶³⁴ UNMIS contributed immensely to the implementation of the referendum regarding the question of the independence of the South in 2011. Nevertheless, the mission could neither prevent the outbreak of large-scale violence during its deployment in Darfur nor after its departure to the oil producing Abyei region⁶³⁵ or to South Kordofan and Blue Nile states as fighting between rebels and Sudanese armed forces continued in 2012.

⁶²⁹ Ibid, p. 78

⁶³⁰ Over 264,000 IDPs and refugees are estimated to have returned through organized returns (over 92,000 IDPs and over 171,000 refugees) whereby the number of spontaneous returns of IDPs and refugees since the signing of the CPA are estimated to be more than 2 million. See: United Nations Mission in Sudan: *Return, Reintegration & Recovery (RRR), Fact Sheet*, 12 April 2010, p. 2

⁶³¹ See: United Nations Mission in Sudan: *Return, Reintegration & Recovery (RRR), Fact Sheet*, 12 April 2010, p. 2

⁶³² Center on International Cooperation, 2008, p. 79 f.

⁶³³ See: United Nations Mission in Sudan: *Disarmament, Demobilization and Reintegration, Fact Sheet*, 19 April 2011, p. 1 f.

⁶³⁴ The Sudan (north and south) is facing enormous challenges in the DDR process: the size of the country with two systems (DDR commissions in the North and the South), the immense number of the target group as well as the enormous resources required.

⁶³⁵ The planned separate referendum in Abyei to determine whether the future of the area lies in the North or the South was not held in January 2011 due to the failure to establish a referendum commission and a lack of agreement on who was allowed to vote. As a result, fighting broke out again in the area in March 2011, forcing estimated 20,000 people to leave their homes. In June 2011 the UN Security Council, deeply concerned by the escalating violence and population displacement, established the United Nations Interim Security Force for Abyei (UNISAF) with its resolution (UN Doc. S/RES/1990, 27 June 2011) to monitor the border between North and South. Thereby the mission is authorized to use force to protect civilians and humanitarian workers in Abyei. See: United Nations: *UNMIS, United Nations Mission in the Sudan (UNMIS Background)*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

The operation struggled with recruitment and retention challenges – “most notably the lack of a head of mission beginning in October 2006 when Special Representative of the Secretary-General (SRSG) Jan Pronk was declared persona non-grata and expelled from the country” – that exacerbated when the international attention shifted to Darfur and UNMIS needed to “divert scarce human resources away from the Comprehensive Peace Agreement to the support of the Darfur Peace Agreement”⁶³⁶.

Several shortcomings regarding the resources⁶³⁷ of the mission⁶³⁸ (the latest example was the withdrawal of the Indian helicopter deployments by the end of 2010 that represented nearly one third of the mission’s aerial military capacity) limited the ability of the mission to fulfill its mandate in relation to the protection of civilians.⁶³⁹ In addition, it is quite questionable that originally only a three-month extension was requested after the referendum in 2011 while the successor operation – UNMISS – is still ongoing.

The challenges UNMISS, UNISAF and UNAMID have been facing until now show that UNMIS was not able to prevent large-scale violence after its withdrawal. Furthermore, it can be stated that UNMIS could only partially prevent the destabilization of the region since the Sudan and South Sudan have been amongst the most fragile states in the world for years and can therewith be categorized as failing and failed or maybe even collapsed states.

⁶³⁶ Center on International Cooperation, 2008 p. 78 f.

⁶³⁷ Equipment and personnel

⁶³⁸ “Military and police deployments were largely implemented in 2007, with deployment of military peacekeepers and civilian police reaching 97 percent and 96 percent of authorized strength, respectively, as of August” 2007. The operation therefore struggled almost two years to get operational. Center on International Cooperation, 2008, p. 78

⁶³⁹ Center on International Cooperation, 2011, p. 7

Graph 4.2.4.1: UNMIS - Fulfillment of the defined Success Criteria⁶⁴⁰

Criterion	Description	Operationalization of the Criterion	Fulfilled	Partially fulfilled	Not fulfilled
Criterion 1	Limiting violent conflict in the host state	Prevention of the outbreak of large-scale violence			x
Criterion 1		Reduction in the number of conflict related casualties			x
Criterion 1		Sustain of ceasefires		x	
Criterion 1		Support of the disarmament & demobilization process		X	
Criterion 2	Reduction of human suffering	Reduced human rights abuses		X	
Criterion 2		Support of the resettlement of refugees and IDPs	X		
Criterion 3	Preventing the spread of conflict beyond the object state's borders	Prevention of the destabilization of the region		x	
Criterion 4	Promoting conflict resolution	Prevention of large-scale violence after withdrawal			x
Criterion 5	Implementation of the mandate	Mandate complete?		x	

Although efforts had been made, UNMIS was not able to completely fulfill most of the defined success criteria and is therefore classified as failure. Due to the intensification of the Darfur crisis that eventually led to a war with massive human rights abuses as well as to other conflicts, like in Abyei, Blue Nile State and the Nuba Mountains. Therefore, a reduction in the number of conflict-related casualties could not be reached. In the light of the afore-mentioned conflicts, ceasefires could only be partially sustained.

As mentioned, the DDR process also needs to be classified as limited success. However, criterion 2 was successfully fulfilled as regards the resettlement of refugees and IDPs, whereas the reduction of human rights abuses is subject to limitations.

⁶⁴⁰ Graph compiled by the author.

Nevertheless, it is classified as partially successful, since the greatest human rights abuses took place in Darfur, which had been tackled by a separate operation (UNAMID) since July 2007. However, the most severe human rights abuses took place during the deployment of UNMIS. In addition, human rights abuses could not be prevented in the other, above mentioned conflicts.

Moreover, Criterion 3 was only partially fulfilled. When looking again at Darfur, a certain spillover-effect can be identified. Clearly, Libya and Chad are closely linked to Darfur because they are neighboring countries (more about this is said in chapter 4.2.4 *UNAMID: African Union-United Nations Hybrid Operation in Darfur (July 2007-to date)*).

Especially the South was confronted with a spillover-effect from the Lord Resistance Army (LRA) in Uganda. It contributed to the problem, that “there were constant accusations (...) from southern politicians that somehow the LRA was being sustained by northern Sudan.”⁶⁴¹ Although various efforts were taken, thus including a United Nations Operation (MONUC/MONUSCO)⁶⁴², the problem could not be solved. And again, given that the Sudan and South Sudan have been as highly fragile states for years now, it cannot be stated that UNMIS prevented the destabilization of the region since states classified as fragile or failed certainly don’t contribute to a stable region. Nevertheless, the outbreak of war with another country could be prevented. The prevention of large-scale violence can best be described as partially successful even if the Darfur conflict is excluded. This is illustrated by the fact that after UNMISS had taken over, a separate operation needed to be deployed to Abyei in 2011. Finally, the mandate of UNMIS could be partially implemented as described above.

⁶⁴¹ Interview with Mr. Ian Cliff, 2010, The Interview is available after contacting the author.

⁶⁴² United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) that was renamed in July 2010 United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). MONUC started in November 1999 following the Lusaka Ceasefire Agreement between the DRC and five regional states in July the same year. Compare: United Nations: *MONUC, United Nations Organization Mission in the Democratic Republic of the Congo*, available at: <http://www.un.org/en/peacekeeping/missions/past/monuc/>

4.2.5 UNAMID: African Union-United Nations Hybrid Operation in Darfur (July 2007⁶⁴³-to date)

Darfur is a big region in the west of the Sudan. With its nearly half a million-square kilometers, it has entirely been part of North Sudan since the independence of the South. Even though Darfur is not a desert, it is generally dry, a fact that has ever since triggered conflict between its inhabitants⁶⁴⁴ over scarce resources. In fact, small- as well as large-scale conflicts have been recorded since 1939. "Tribal and ethnic conflicts [are therefore] neither new nor uncommon"⁶⁴⁵. In addition, due to having been neglected by the central government for a very long time, Darfur is one of the poorest regions of the Sudan. These circumstances certainly intensify conflict in the light of drought and famine⁶⁴⁶. "The pattern of conflict changed from low-intensity, small-scale outbreaks from the 1950s to the 1970s, to high-intensity, persistent and large-scale battles in the mid-1980s."⁶⁴⁷

A contributing factor to the increasing mortality rate relate to tribal and ethnic conflicts of Darfur is certainly the influx of small, modern arms for instance from neighboring Chad. The prolonged drought that started in 1983 has caused the declining of water resources while the number of people depending on the scarce resources has been rising. This, in fact, has driven the nomads, that are primarily classified as Arabs, southwards to the central regions of Jebel Marra in Darfur which used to be the territory of the Fur, so called African tribes.⁶⁴⁸

In this sense, Darfur is "a classic case of climate change leading to conflict"⁶⁴⁹ as already described in chapter 4.2.3 *UNMIS: United Nations Mission in Sudan (2005-2011)* of this thesis.

⁶⁴³ Operational on 31 December 2007

⁶⁴⁴ Darfur's population consists of both, 'Arabs' and 'Africans'. „Inasmuch as anybody can be described as 'indigenous' anywhere in the world, the 'Fur' were the key population of the region, which justifies its name up to this day". Prunier, 2005, p. 6

⁶⁴⁵ Global Security: *Darfur Liberation Front*, available at: <http://nointervention.com/archive/Sudan/globalsecurity/darfur.htm>

⁶⁴⁶ The resuming desertification and the effects on the region were throughout the eighties one of the main questions that were not only on the local agenda but was also concerning the international community.

⁶⁴⁷ Global Security: *Darfur Liberation Front*, available at: <http://nointervention.com/archive/Sudan/globalsecurity/darfur.htm>

Even though the conflicts in Chad and the Sudan need to be seen autonomously, there is a certain spillover-effect between what has been happening in Darfur and what happened in eastern Chad. Nevertheless, this spillover does not overlap or overrule the root causes of the conflict in Darfur.

In 1990, Idris Deby seized power in a coup in neighboring Chad. Deby is a Zaghawa, one of the main African groups in Darfur that represent a significant part of fighters in Darfur. Although they are united under the JEM, they are still a minority in Chad. Given that his tribe supported him in his coup, the Zaghawa certainly got supported by Deby⁶⁵⁰ in their struggle over resources.⁶⁵¹ Nevertheless, Arab tribes also live on both sides of the border, which, most of them do not even recognize as such. Naturally, when something happens to their people, they seek assistance and support from people of their kin – even across borders, of course.

As described above, the situation in Darfur escalated in 2003 when the African tribes of Darfur accused the central government of neglecting the socio-economic conditions in the region. Hence, a spiral of accusation started, although it is difficult to say which side was first to target violent action against the other, given that conflict in Darfur over resources was not a new phenomenon anyway, as already described before.

In the end, the Arab militia called Janjaweed took the floor when the central government tried to put down the uprising of the SLA in Darfur, which was largely made up of the Fur, Zaghawa and Masalit tribes.⁶⁵² This action was certainly in the interest of the mostly Arab and nomadic population in Darfur who, as stated above, were in their fight for resources with the mostly sedentary African tribes anyway.

⁶⁴⁸ Interview with Ian Cliff, 2010, the interview is available after contacting the author.

⁶⁴⁹ Ibid.

⁶⁵⁰ Internal challenges of President Deby need to be addressed separately and are not within the scope of this thesis. Nevertheless, it needs to be stated here, that until the relationship between Chad and Sudan are not normalized through an internal political settlement on both sides, there will not be peace in Darfur and in eastern Chad.

⁶⁵¹ See: Global Security: *Darfur Liberation Front*, available at: <http://nointervention.com/archive/Sudan/globalsecurity/darfur.htm>

⁶⁵² See: Interview with Ian Cliff, 2010, the interview is available after contacting the author and Global Security: *Darfur Liberation Front*, available at: <http://nointervention.com/archive/Sudan/globalsecurity/darfur.htm>

The point has now been reached where the most prominent issue that took the attention of the media as well as of the public opinion in regard to the conflicts in the Sudan starts getting tackled: it is, in fact, the question whether genocide took place in Darfur or not.

Whether the decision to use the Janjaweed in the conflict was originally intended, or developed in the course of the conflict, can probably not be proved. Nevertheless, from the author's point of view, there are two main statements available. The primary position in literature is that the central government of the Sudan specifically used the Janjaweed to "completely" put down the African tribes in Darfur in order to support the Arab tribes. In this regard, the focus is on the above-mentioned question of genocide.

After talking to several United Nations' professionals during the research, a new opinion took the floor that had not been found in any literature. Their point is, and the government of the Sudan actually admits⁶⁵³ that standing, that the central government used the Janjaweed as military support in the North but that, however, they lost control over them at one point. Therefore, the central government in Khartoum was responsible for using the Janjaweed as military arm for their purpose but were not directly involved in the overflowing violence that took place in 2003/2004. As regards the question if a genocide took place in Darfur or not, it needs to be pointed out that, even though the United States soon started to speak about genocide⁶⁵⁴ in Darfur, the international community never labeled the events taking place there in 2003/2004 as such⁶⁵⁵.

⁶⁵³ See: BBC News: Q&A: *Sudan's Darfur Conflict*, available at: <http://news.bbc.co.uk/2/hi/africa/3496731.stm>

⁶⁵⁴ „According to international law, there is no jurisdiction in any national government to define the crime of genocide. No matter how much we try legally, it's a political statement. [...] Only the ICC, ICJ or any other international tribunal can actually venture into an establishment, judicially, of the crime against humanity, including genocide, in particular. [...] There has to be an international process established" before. In this light, it needs to be assessed on which basis the American administration got this impression. A fact is, that at that time "the situation in Iraq and Afghanistan was quite difficult". Interview with Vladimir A. Zhagora, 2009, the interview is available after contacting the author; another opinion is, the one of Roméo A. Dallaire who points out that powerful nations like the US and Britain could have done something but lost much of their credibility because of the quagmire in Iraq. See: Dallaire, Roméo A.: „Looking at Darfur, Seeing Rwanda," *New York Times*, 4 October 2004, available at: http://www.nytimes.com/2004/10/04/opinion/looking-at-darfur-seeing-rwanda.html?_r=0

⁶⁵⁵ For more information about the ICC and the situation in Darfur compare: United Nations: *Security Council Refers Situation In Darfur, Sudan, To Prosecutor Of International Criminal Court*, SC/8351, 31

The International Commission of Inquiry on Darfur, that had been established by the United Nations pursuant to UN Security Council resolution 1564⁶⁵⁶, concluded in its January 2005 report “that the Government of the Sudan has not pursued a policy of genocide”⁶⁵⁷. Besides that, the international media and the public opinion followed its own dynamics. Therefore, one approach⁶⁵⁸ is to classify former US Secretary of State Colin Powell’s invocation of using the term genocide in relation to Darfur as courageous. This view is especially most prominent in the United States.

Another approach is to quote the figures published by the UN Under-Secretary-General for Humanitarian Affairs that relates about 300,000 victims to the conflict. Depending on the method used to establish the figures, the difference in outcomes is obvious. Since the United Nations based its figures “on established patterns of a conflict”, it came to the conclusion that “the conflict in Darfur, in terms of its cycle (beginning, scope and longevity) was not particularly different from other conflicts with the same dimension and same scope”⁶⁵⁹.

Regardless which approach is used, the results are the same. The conflict in Darfur caused many people’s death as well as a massive displacement of the local population that resulted in severe malnourishment and other serious humanitarian consequences. Given that it was especially the civilian population that was targeted during the military conflict, the casualties amongst civilians were unusually high. Nevertheless, they were not unique. In addition, they took place within a short time in 2003/2004 and were first of all directed against Fur, Masalits, and Zaghawas, i.e. African tribes. After that time, the casualties drastically dropped and never reached such a high again.⁶⁶⁰

March 2005, available at: <http://www.un.org/press/en/2005/sc8351.doc.htm>; International Criminal Court: *Warrant of Arrest for Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09-1, available at: <https://www.icc-cpi.int/pages/record.aspx?uri=639078>; International Criminal Court: *Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09-95, available at: <https://www.icc-cpi.int/pages/record.aspx?uri=907140>

⁶⁵⁶ UN Doc. S/RES/1564, 18 September 2004

⁶⁵⁷ United Nations: *Report of the International Inquiry on Darfur to the United Nations Secretary-General*, Geneva, 25 January 2005, p. 4, available at: http://www.un.org/news/dh/sudan/com_inq_darfur.pdf

⁶⁵⁸ This approach follows for example Piiparinen (2007, p. 366 f.).

⁶⁵⁹ Interview with Vladimir A. Zhagora, 2009, the interview is available after contacting the author

⁶⁶⁰ See: Ibid.

However, there was a case of war crimes in Darfur, but (as already stated by Cliff 2010) there is, in fact, no jurisdiction in any national government to define the crime of genocide. Thus, this is first and foremost a political statement. Nevertheless, “Darfur was definitely one of the worst cases of human degradation in terms of a manner of how a war has been done.”⁶⁶¹

On 8 April 2004, the Darfur Humanitarian Ceasefire Agreement⁶⁶² was signed between the central government, the SLA/M and the JEM. The African Union established the African Union Mission in Sudan (AMIS)⁶⁶³ to monitor the fulfillment of the agreement as well as to “contribute to a secure environment for the delivery of humanitarian assistance and the return of refugees and internally displaced persons”⁶⁶⁴.

Efforts of the African Union and the international community resulted in the inter-Sudanese peace talks – also known as the Abuja talks – and the signing of the Darfur Peace Agreement (DPA) on 5 May 2006. Although the DPA had raised hopes after three years of conflict in the region, those hopes did not last long since shortly after the signing of this agreement, clashes escalated between the supporter of the DPA and those who opposed it. With this relevant resolution⁶⁶⁵, the United Nations therefore decided to expand the mandate of UNMIS to Darfur. However, since the government of the Sudan strongly opposed to a solely UN-led operation in Darfur, UNMIS was never able to deploy according to the afore-mentioned resolution.

AMIS, that was the only international force operating in Darfur during 2007, was struggling to cope with serious financial and logistical⁶⁶⁶ challenges.

⁶⁶¹ Ibid.

⁶⁶² Since the agreement was signed in N'Djamena it is also called N'Djamena peace or N'Djamena Ceasefire Agreement. Other signatories were the Chad and the African Union.

⁶⁶³ It took one year for AMIS to reach its „total authorized strength of 6,171 military personnel and 1,560 civilian police“. United Nations: *UNMIS-United Nations Mission in the Sudan, UNMIS background*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶⁶⁴ United Nations: *UNMIS-United Nations Mission in the Sudan, UNMIS background*, available at: <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁶⁶⁵ UN Doc. S/RES/1706, 31 August 2006

⁶⁶⁶ UNAMID is “undoubtedly one of the most complex logistical operations ever undertaken, in Darfur.” Center on International Cooperation, 2008, p. 8

After all the public interest and especially because of the fact that the term “genocide” was used in connection with Darfur, this is quite an interesting fact, that actually contributes to the opinion that the interests in what was happening in Darfur were – in fact – rather driven by national interests than by true concerns of national governments about the security situation in a faraway country. Otherwise, to the author’s opinion, it cannot be explained why AMIS was facing such serious financial and logistical challenges and why even UNAMID only reached 70 percent of its envisaged strength two years after being deployed⁶⁶⁷⁶⁶⁸ after the right words have been said.

After several months of negotiations and international pressure, the government of the Sudan agreed to deploy the United Nations-African Union Hybrid Operation in Darfur (UNAMID)⁶⁶⁹, which had been authorized by the UN Security Council with its relevant resolution⁶⁷⁰ on 31 July 2007.

31 December 2007 marked the transfer of authority from AMIS to UNAMID⁶⁷¹ and led to the fact that the AMIS personnel totally merged into UNAMID.

Equipped with a Chapter VII mandate⁶⁷², UNAMID’s tasks included the following⁶⁷³:

- protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers;

⁶⁶⁷ See: Interview with Vladimir A. Zhagora, 2009, the interview is available after contacting the author, compare: Center on International Cooperation, 2008, p. 73 ff and p. 76

⁶⁶⁸ Beside some governments that used Darfur to divert from their own problems, some governments, like the one in Canada, Sweden or Norway, were extremely cooperative. “But then, it was the group of developed countries who reassured the African Union, before this mission was even established, that they will pay for everything and will provide the resources. But they did not necessarily act upon that point”. Interview with Vladimir A. Zhagora, 2009, the interview is available after contacting the author; compare: Center on International Cooperation, 2008, p. 77

⁶⁶⁹ Troop contributing countries: Bangladesh, Burkina Faso, China, Egypt, Ethiopia, Gambia, Kenya, Indonesia, Mongolia, Nepal, Nigeria, Pakistan, Rwanda, Senegal and Tanzania

⁶⁷⁰ UN Doc. S/RES/1769, 31 July 2007

⁶⁷¹ The United Nations General Assembly approved the following budget for the period from 1 July 2016 to 30 June 2017: \$1,039,573,200, UN Doc. A/C.5/70/24, 22 June 2016, p. 2

⁶⁷² UN Doc. S/RES/1769, 31 July 2007

⁶⁷³ United Nations: *UNAMID, African Union/United Nations Hybrid operation in Darfur*, available at: <http://www.un.org/en/peacekeeping/missions/unamid/mandate.shtml>

- support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of the Sudan.

In addition, the Council decided⁶⁷⁴ that UNAMID shall:

- protect civilians;
- monitor the implementation of ceasefire agreements signed since 2004;
- assist with the implementation of the FPA and any subsequent agreements;
- contribute to the promotion and protection of human rights;
- contribute to the restoration of necessary security condition to facilitate humanitarian assistance;
- assist in the promotion of the rule of law;
- assist the political process to ensure that it is inclusive;
- contribute to a secure environment for economic reconstruction and development and for a sustainable return of IDPs and refugees
- monitor and report the security situation at the borders with Chad and the Central African Republic.

In its successive resolution, and its most recent resolution 2148, the Security Council underlined UNAMID's strategic priorities, i.e.:

- the protection of civilians, the facilitation of the delivery of humanitarian assistance and the safety and security of humanitarian personnel;
- mediation between the Government of Sudan and non-signatory armed movements on the basis of the DDPD⁶⁷⁵;
- and support to the mediation of community conflict.⁶⁷⁶

⁶⁷⁴ As set out in paragraphs 54 and 55 of UN Doc. S/2007/307/Rev. 1, 5 June 2007

⁶⁷⁵ Doha Document for Peace in Darfur (DDPD), the Document was finalized at the All Darfur Stakeholder Conference taking place in May 2011 in Doha, Qatar. See the full document available at: <http://www.darfurconference.com/sites/default/files/files/DDPD%20English.pdf>

⁶⁷⁶ UN Doc. S/RES/2148, 3 April 2014, para. 4, p. 3

The above-mentioned resolution also mentioned three major challenges that UNAMID was facing:

- the cooperation and partnership of the Government of the Sudan in mandate implementation;
- major shortfalls in several troop- and police-contingent operational capabilities;
- and the need for improved coordination and integration structures within UNAMID and between UNAMID and the United Nations Country Team (UNCT).⁶⁷⁷

The UN Security Council Resolution 2296 (2016) extended the current mandate⁶⁷⁸ of the operation until 30 June 2017. Accordingly, the UN resolution requires UNAMID to:

- Protect civilians, without prejudice to the responsibility of the Government of the Sudan;
- Facilitate the delivery of humanitarian assistance and ensure the safety of humanitarian personnel;
- Mediate between the Government of the Sudan and non-signatory armed movements on the basis of the Doha Document for Peace in Darfur; and
- Support the mediation of community conflict, including through measures to address its root causes.⁶⁷⁹

Thus, UNAMID is the first example of a hybrid operation with a unified operational command over both, the military and the civilian components of the operation.⁶⁸⁰ This fact created concerns regarding the strategic direction of the mission since no mechanism had been established in the resolution in case of a potential disagreement between the African Union and the United Nations. Moreover, the United Nations also saw this new approach as the most likely issue to be challenged on the ground given that disagreement on the strategic orientation certainly would affect the work on the operational level.⁶⁸¹

⁶⁷⁷ Ibid, para. 7, p. 4

⁶⁷⁸ Agreed upon in the UN Doc. S/RES/2148, 3 April 2014

⁶⁷⁹ United Nations: *UNAMID, UNAMID Mandate*, available at: <https://unamid.unmissions.org/unamid-mandate>

⁶⁸⁰ See: Center on International Cooperation, 2008, p. 24

⁶⁸¹ See: Ibid, p. 24

Although joint reporting had been tested before⁶⁸² unified military action was a unique test exercised by UNAMID. Beside this new character of cooperation, the operation was facing immense challenges from the beginning on. Although resolution 1769 had pointed out the need of an 'African character' of the operation, and although several AU member states had expressed their willingness to participate in peacekeeping operations in Africa, their capacities for doing so were less clear; a challenge that could easily compromise the effectiveness of an operation. In addition, the question of how to interact with the numerous humanitarian agencies on the ground was crucial in order to not compromise the neutrality of the operation.

Another concern affected the question of how the operation could secure enough water to support its personnel in an environment where one – if not the main – root cause was the scarcity of this much-needed resource?⁶⁸³ These challenges display that UNAMID was facing essential challenges from the beginning on in addition to being deployed in a highly fragile environment with a low infrastructure and member states were reluctant⁶⁸⁴ to provide the necessary resources⁶⁸⁵ despite the fact that promises had been made.

It seems that, even though the security situation in Darfur never developed as badly as it had been in 2003, the overall situation cannot be described as successfully handled by UNAMID since violent confrontations were continuously reported over the years. Besides clashes between government forces and militia, there was consistent inter-tribal conflict as well as localized conflict between Arab and non-Arab tribes.⁶⁸⁶ Therefore, "civilians remained exposed to violence and criminality, while long-term comprehensive solutions to address the needs of the region's 2.6 million displaced persons remained elusive"⁶⁸⁷.

⁶⁸² For example in Haiti, Bosnia and in Kosovo

⁶⁸³ See: Ibid, p. 77 f.

⁶⁸⁴ A reason for this reluctance might be the unwillingness of Western troop contributor's to place their forces under non-UN command.

⁶⁸⁵ Especially helicopters that are needed for the protection of civilians and transport purposes especially during the rainy season.

⁶⁸⁶ See: IRIN: *The humanitarian situation in Darfur*, 15 August 2013, available at: <http://www.irinnews.org/report/98580/briefing-humanitarian-situation-darfur>

⁶⁸⁷ UN Press Release, *Civilians in Darfur Still under Threat, as Proliferation of Weapons Aggravates Situation*, Peacekeeping Chief Tells Security Council, UN Doc. SC/12678, 12 January 2017, available at: <http://www.un.org/press/en/2017/sc12678.doc.htm>

Additionally, the situation “exacerbated by the wide-spread proliferation of weapons and the inadequacy of both rule of law and justice institutions.”⁶⁸⁸

Nevertheless, UNAMID had seen only “two clashes since the Government’s September 2016 announcement of the victory of its forces in the Jebel Marra region and the end of the Darfur conflict”⁶⁸⁹. In December 2016, the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) reported a total of 97,481 registered and verified IDPs in Darfur and 52,124 reported returnees during the same year.⁶⁹⁰

Up to May 2017, “over 2.6 million people [were] still displaced, and violence against civilians [was] taking place throughout Darfur, [while] the protection of civilians continued to be the priority of UNAMID.”⁶⁹¹

Continuing arrivals of refugees from South Sudan further complicated⁶⁹² the already tense security situation and contribute to the tensions between various communities as regards access to land, water and other resources. Several times the poor security situation led to the suspension of humanitarian activities in some areas, thus leaving thousands of civilians without any help. “Despite these difficulties in providing aid, Darfur continued to play host to the world’s largest humanitarian operation”⁶⁹³.

The civilian population, and most notably IDPs and refugees, are therefore not only still⁶⁹⁴ at risk of violence and human rights violations⁶⁹⁵ but are also frequently left alone without any support system at all.

⁶⁸⁸ Ibid.

⁶⁸⁹ Ibid.

⁶⁹⁰ UNICEF: *Sudan Situation Report – January 2017*, p. 2, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Sudan%20Humanitarian%20SitRep%20-%20January%202017.pdf>

⁶⁹¹ UN Doc. S/2017/250, 23 March 2017, para. 69, p. 16

⁶⁹² „The highest number of new arrivals during the first quarter of 2017 [coming to Sudan] was reported in East Darfur State, which accounts for nearly 40 per cent of new arrivals in 2017 so far.“ OCHA: *Humanitarian Bulletin Sudan*, Issue 9, 27 March – 9 April 2017, available at: [https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA_Sudan_Weekly_Humanitarian_Bulletin_2017/OCHA_Sudan_Humanitarian_Bulletin_Issue_09_\(27_March_-_9_April_2017\).pdf](https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA_Sudan_Weekly_Humanitarian_Bulletin_2017/OCHA_Sudan_Humanitarian_Bulletin_Issue_09_(27_March_-_9_April_2017).pdf)

⁶⁹³ Center on International Cooperation, 2008, p. 77

⁶⁹⁴ Up to date, “intercommunal violence continued to pose threats against civilians throughout Darfur.” UN Doc. S/2017/250, 23 March 2017, para. 5, p. 2

⁶⁹⁵ See: UN Press Release, *Civilians in Darfur Still under Threat, as Proliferation of Weapons Aggravates Situation, Peacekeeping Chief Tells Security Council*, UN Doc. SC/12678, 12 January 2017, available at: <http://www.un.org/press/en/2017/sc12678.doc.htm>

Until today, UNAMID's performance regarding the protection of civilians, i.e. UNAMID's main purpose since its deployment in 2007, has been facing different shortcomings. In fact, quite a moderate result of the operations efforts has been achieved. However, these results need to be seen in connection with the reluctance of UN member states to contribute to the operations when it was clear since UNAMID's start that the success of this operation would especially depend on how rapidly the uniformed and civilian components of the missions were deployed on the one hand, and what efforts would be made on the efforts on the political side in order to reach a comprehensive and inclusive peace agreement in Darfur on the other.⁶⁹⁶

Since UNAMID's⁶⁹⁷ deployment, several agreements have been signed between various actors and most of them have been broken again. However, the probably most prominent agreement is the above-mentioned Doha Document for Peace in Darfur that was finalized in Doha at the All Darfur Stakeholder Conference on 27 May 2011. At that conference, "more than 500 representatives from the Sudanese Government, armed movements, political parties, civil society groups, displaced persons and refugees" discussed "during five days' key issues in the conflict"⁶⁹⁸.

Although this agreement was a cornerstone in the efforts towards peace in Darfur, the years to follow were neither marked by an increase of the overall security situation nor by an improvement as regards the process in addressing the causes and consequences of the conflict.

⁶⁹⁶ See: Center on International Cooperation, 2008, p. 80

⁶⁹⁷ As of May 2017, the deployment of UNAMID consisted of: 13,783 military personnel, 1,417 police advisers, 1,808 formed police unit officers, 753 international civilian staff, 119 United Nations volunteers, and 2,148 national civilian staff while the authorized strength foresees: 15,845 military personnel, 1,583 police advisers and 13 formed police units comprising up to 140 personnel each. Since inception UNAMID's hostile fatalities amounts to 63 peacekeepers (50 military and 13 police). United Nations: UNAMID, UNAMID Facts and Figures, available at: <https://unamid.unmissions.org/unamid-facts-and-figures>

⁶⁹⁸ United Nations: *UNAMID, Timeline*, available at: <https://unamid.unmissions.org/timeline>

Despite that, “representatives of SLA/MM⁶⁹⁹ and JEM/Gibril Ibrahim⁷⁰⁰ issued [in December 2016] a joint statement emphasizing that the implementation of the road map agreement signed between the Government and the opposition coalition, the “Sudan Call”⁷⁰¹, in October 2016 was a prerequisite for the reactivation of the peace process.”⁷⁰² After The Sudan Call⁷⁰³, that “unites the core of a formerly fragmented political and armed opposition on issues of national governance for the first time”⁷⁰⁴, met in Paris in January 2017 for its leadership council meeting, it stated that “the revitalization of the road map agreement would require a redesigning of the entire peace process, referring to emerging political developments.”⁷⁰⁵ Finally, two fractions of the SLA – the SLA/AW⁷⁰⁶ and the SLA/SR⁷⁰⁷ – signed the DDPD on 23 January 2017. These developments go hand in hand with the unilateral ceasefire announced by al-Bashir on 10 October 2016, that had been extended for another six months on 15 January 2017. Similarly, the ceasefire that had been declared on 30 October 2017 by the rebel coalition, i.e. the Sudanese Revolutionary Front, is still in place in May 2017 and no reports indicate any clashes between the government forces of the Sudan and any of the rebel groups.⁷⁰⁸

Although these developments indicate an improvement in the Darfur peace process, it is still a long way until durable peace is achieved in the region.

⁶⁹⁹ Sudan Liberation Army led by Minni Minawi

⁷⁰⁰ Justice and Equality Movement led by Gibril Ibrahim

⁷⁰¹ On 3 December 2014 “Sudanese political and armed opposition forces and civil society organizations signed the ‘Sudan Call’ accord in Addis Ababa calling for ending the war, dismantlement of the one-party state, achievement of a comprehensive peace and democratic transition in the country. (...) The Sudan Call was signed by the head of the NCF, Farouk Abu Issa, deputy chairman of the rebel umbrella Sudan Revolutionary Forces (SRF) Minni Minawi, leader of the NUP al-Sadiq al Mahdi and head of the Alliance of the Sudanese Civil Society Organizations, Amin Maki Madani. Sudan Tribune: *SPLM-N says “Sudan Call” biggest defeat for Khartoum*, 23 December 2014, available at: <http://sudantribune.com/spip.php?article53422>

⁷⁰² UN Doc. S/2017/250, 23 March 2017, para. 16, p. 5

⁷⁰³ Sudan Consortium: *Sudan Call*, 3 December 2014, available at: http://www.sudanconsortium.org/darfur_consortium_actions/statements/2014/Sudan%20Call%20Declaration%20ENG.pdf

⁷⁰⁴ The Guardian: *Sudan’s political opposition unites under new call for democracy*, 11 December 2014, available at: <https://www.theguardian.com/world/2014/dec/11/sudan-call-political-opposition-bashir>

⁷⁰⁵ UN Doc. S/2017/250, 23 March 2017, para. 16, p. 5

⁷⁰⁶ Sudan Liberation Army led by Abdul Wahid

⁷⁰⁷ Sudan Liberation Army – Second Revolution; the Sudan Liberation Movement – Second Revolution, SLM/SR, was formed in June 2014 under the leadership of Abulgasim Imam El Haj “after more than a year of disagreements with the mother faction, the Sudan Liberation Movement, led by Abdel Wahid El Nur (SLM-AW).” All Africa, 25 June 2014, available at: <http://allafrica.com/stories/201406260583.html>

⁷⁰⁸ Compare: UN Doc. S/2017/250, 23 March 2017, p. 1 f

4.2.6 UNISAF: United Nations Organization Interim Security Force for Abyei (June 2011-to date)

The causes for fighting in Abyei reach back far beyond the Anglo-Egyptian Condominium. In fact, the Ngok Dinka already suffered from slave trading in their area by nomadic and Islamic Misseriya (Baggara) tribe during the Turko-Egyptian Rule from 1821-1895. The practice of slave trade in Abyei reached far into British rule, i.e. until 1927. As a matter of fact, the people of Abyei called for the restoration of their area to the Bahr al Ghazal Province in Southern Sudan even before the end of the Anglo-Egyptian Condominium in 1956. However, this call was not only rejected, but the central government of the Sudan, that had taken over, favored the Misseriya at the expense of the Ngok Dinka inhabitants.⁷⁰⁹ Since then, Abyei has been caught between the warring parties of the North and the South.

The 1960s were characterized by armed conflict between Ngok Dinka and Misseriya when the latter began to claim and occupy Ngok Dinka territory. In 1972, the Addis Ababa Accord was signed and a region in the South, thus including the provinces of Upper Nile, Bahr al-Ghazal and Equatoria, was created with a significant degree of autonomy. At the same time, the Ngok Dinka were „offered a referendum on whether they wanted to be incorporated into the newly-established Southern Region, or remain as part of Kordofan.“⁷¹⁰ The discovery of oil led the government in Khartoum to revoke the referendum for Abyei and to abrogate the Addis Ababa Accord in 1983.⁷¹¹ Additionally, Abyei is an „area of overlapping land use and shared secondary rights of seasonal access to land“⁷¹². The practice to share rights between communities is not a new phenomenon in the Sudan. Actually, such rights had been common before and have been common since the Sudan's independence.

⁷⁰⁹ See: Abyei Information Centre: *home*, available at: <http://www.abyei.net/>; Abyei Information Centre: *Land & People*, available at: <http://www.abyei.net/landpeople.html>

⁷¹⁰ Johnson, Douglas H.: *The Road Back from Abyei*, 17 January 2011, available at: <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/4702/The-Road-Back-From-Abyei.aspx>

However, the “alienation of land for extensive government-sponsored mechanized farming schemes”⁷¹³ has led to a reduction of the available area for the local communities. Therefore, the competition over shared rights that have been “trying to convert seasonal use into outright ownership”⁷¹⁴ has increased significantly.

On 27 June 2011, the UN Security Council authorized the deployment of the peacekeeping force UNISAF⁷¹⁵. The Council therewith reacted to the “renewed violence, escalating tensions and population displacement in the Abyei region [caused by the pending determination of its status,] as Southern Sudan was preparing to formally declare its independence from the Sudan on 9 July 2011”⁷¹⁶. Initially established for a period of six months under chapter VII of the UN Charta by resolution 1990⁷¹⁷, the operation’s mandate comprises the following tasks:

- monitoring and verifying the redeployment of the Sudan Armed Forces, the Sudan People’s Liberation Army or its successor
- demilitarizing the region;
- participating in relevant Abyei Area bodies;
- providing de-mining assistance and technical advice;
- facilitating the delivery of humanitarian aid and the free movement of humanitarian personnel;
- strengthening the capacity of the Abyei Police Service;
- providing security for oil infrastructure in the Abyei Area when necessary.⁷¹⁸

In addition, UNISAF is authorized to use force to protect civilians and humanitarian workers in Abyei.⁷¹⁹

⁷¹¹ See: Ibid.

⁷¹² Ibid.

⁷¹³ Ibid.

⁷¹⁴ Ibid.

⁷¹⁵ The total strength of UNISAF should comprise a maximum of 4,200 military personnel, 50 police personnel and appropriate civilian support. In 2013, the UN Security Council increased by resolution, UN Doc. S/RES/2104, 29 May 2013, the military strength up to 5,326 peacekeepers. See: United Nations: *UNISAF, United Nations Interim Security Force for Abyei, UNISAF Background*, available at: <http://www.un.org/en/peacekeeping/missions/unisfa/background.shtml>

⁷¹⁶ United Nations: *UNISAF, United Nations Interim Security Force for Abyei, UNISAF Background*, available at: <http://www.un.org/en/peacekeeping/missions/unisfa/background.shtml>

⁷¹⁷ UN Doc. S/RES/1990, 27 June 2011

⁷¹⁸ See: UN Doc. S/RES/1990, 27 June 2011, para. 2, p. 2

⁷¹⁹ See: Ibid, para. 3, p. 3

In December 2011⁷²⁰, the UN Security Council broadened UNISAF's mandate to include assistance in the process of border normalization.⁷²¹ It was, however, only on 20 June 2011, that the Government in Khartoum and the SPLM reached the so-called "Temporary Arrangements for the Administration and Security of the Abyei Area" in which they agreed to withdraw their forces and allow Ethiopia to monitor the area.⁷²² Water as well as therewith food insecurity caused by to the above-mentioned drought are also responsible for increased tensions and violence over scarce resources in this area. As the current situation in Abyei continues to "constitute a serious threat to international peace and security"⁷²³, the UN Security Council has decided to extend the UNISAF mandate until 15 November 2017^{724 725}.

⁷²⁰ With UN Doc. S/RES/2024, 14 December 2011

⁷²¹ See: United Nations: *UNISAF, United Nations Interim Security Force for Abyei, UNISAF Background*, available at: <http://www.un.org/en/peacekeeping/missions/unisfa/background.shtml>

⁷²² See: *Ibid.*

⁷²³ UN Doc. S/RES/2318, 15 November 2016, p. 4; UN Doc. S/RES/2352, 15 May 2017, p. 4

⁷²⁴ The United Nations General Assembly approved the following budget for the period from 1 July 2016 to 30 June 2017: \$268,624,600, UN Doc. A/C.5/70/24, 22 June 2016, p. 2

⁷²⁵ UN Doc. S/RES/2352, 15 May 2017, para. 1, p. 4

4.2.7 UNMISS: United Nations Mission in South Sudan (July 2011-to date)

As already stated, UNMISS followed its predecessor UNMIS in July 2011 after the South had voted for independence in a referendum on 9 January 2011. Up to date UNMIS has been “one of the United Nations’ most expensive⁷²⁶”⁷²⁷ operations. Noting that the security situation in South Sudan constitutes “a threat to international peace and security in the region”⁷²⁸ the UN Security Council mandated UNMISS in chapter VII of its Charta in resolution 1996 (2011) with the following tasks:

- supporting the Government in peace consolidation and thereby fostering longer-term state-building and economic development;
- supporting the Government of the RoSS⁷²⁹ in exercising its responsibilities for conflict prevention, mitigation, and resolution and protect civilians;
- supporting the Government of the Republic of South Sudan, in developing its capacity to provide security, to establish rule of law, and to strengthen the security and justice sectors.⁷³⁰

Following the outbreak of violence in South Sudan’s capital Juba in December 2013⁷³¹, that “quickly spread to other locations in the country and thus resulting in deep nation-wide political and security crisis”⁷³², the UN Security Council set up its resolution 2132⁷³³ to increase the overall troop and police strength of UNMISS.

⁷²⁶ The United Nations General Assembly approved the following budget for the period from 1 July 2016 to 30 June 2017: \$1,081,788,400, UN Doc. A/C.5/70/24, 22 June 2016, p. 3

⁷²⁷ Roberts, Megan: *UN Peacekeeping in South Sudan: A Kiwi Comes to Juba*, *Global Peace Operations Review*, 13 January 2017, available at: <http://peaceoperationsreview.org/commentary/un-peacekeeping-in-south-sudan-a-kiwi-comes-to-juba/>

⁷²⁸ UN Doc. S/RES/1996, 8 July 2011, p. 3

⁷²⁹ Republic of South Sudan

⁷³⁰ See: UN Doc. S/RES/1996, 8 July 2011, p. 3 f.

⁷³¹ For a detailed report of the developments from December 2013 to February 2014 in South Sudan see the report of the UN Secretary-General, UN Doc. S/2014/158, 6 March 2014

⁷³² United Nations: *UNMISS, United Nations Mission in the Republic of South Sudan, UNMISS Background*, available at: <https://www.un.org/en/peacekeeping/missions/unmiss/background.shtml>

⁷³³ UN Doc. S/RES/2132, 24 December 2013

In addition, the Council reprioritized⁷³⁴ the operations mandate towards the protection of civilians, human rights monitoring, the support for the delivery of humanitarian assistance and for the implementation for the Cessation of Hostilities Agreement.⁷³⁵

The crisis in South Sudan, that had started in December 2013, had “widespread negative consequences for the human rights situation in many parts of the country” but most notably in Juba and in Jonglei, Upper Nile and Unity States. In addition, the humanitarian situation deteriorated sharply with a total displacement of over 3 million people as of May 2017⁷³⁶ (up to 900,000 persons were displaced between December 2013 and February 2014 only, while up to 3.7 million South Sudanese were suffering from food insecurity and thus leaving it doubtful if they could survive⁷³⁷).

After the end of 2013/ beginning of 2014, tens of thousands of civilians fled from the affected areas⁷³⁸ where ethnically targeted attacks were carried out by both sides. While UNMISS did its best to support the affected population by opening several compounds of UNMISS, the operation was facing special challenges as regards the provision of security and resources for the Sudanese population and the operation itself.⁷³⁹

In May 2014, the UN Security Council decided for UNMISS to use all necessary means to perform the following tasks:

- protecting civilians;
- monitoring and investigating human rights;
- creating the conditions for delivery of humanitarian assistance;
- supporting the Implementation of the Cessation of Hostilities Agreement^{740 741}.

⁷³⁴ In UN Doc. S/RES/2155, 27 May 2014

⁷³⁵ See: Ibid, para. 4, p. 4 f.

⁷³⁶ See: Food and Agriculture Organization of the United Nations: *Special Report, FAO/WFP crop and food security assessment mission to South Sudan*, 4 May 2017, p. 36

⁷³⁷ See: United Nations: *UNMISS, United Nations Mission in the Republic of South Sudan, UNMISS Background*, available at:

<https://www.un.org/en/peacekeeping/missions/unmiss/background.shtml>

⁷³⁸ “Seven out of the country’s ten states were affected by the conflict with Central Equatoria, Jonglei, Lakes, Unity and Upper Nile states being the hardest hit.”, United Nations: *UNMISS, United Nations Mission in the Republic of South Sudan, UNMISS Background*, available at:

<https://www.un.org/en/peacekeeping/missions/unmiss/background.shtml>

⁷³⁹ See: Ibid.

⁷⁴⁰ The Cessation of Hostilities Agreement was signed on 23 January 2014

⁷⁴¹ See: UN Doc. S/RES/2155, 27 May 2014, para. 4, p. 4 f.

As requested in the UN Secretary-General's 6 March report, the Security Council also decided to increase the Operation's military and police component⁷⁴² with resolution 2155.

Although a peace agreement could be reached in August 2015, the country slipped back into conflict due to clashes between forces of the SPLA loyal to President Sala Kiir, an ethnic Dinka, and those loyal to the opposition leader and former First Vice-President Riek Macha, from the Nuer tribe. The effects of the outbreak of violence in December 2013 have been going on up to date.

The Food and Agriculture Organization (FAO) considered the outbreak of this violence as one of the main factors that cause the negative impacts on the general food security situation in 2017 that resulted in famine in South Sudan.⁷⁴³ While mostly the Greater Upper Nile Region⁷⁴⁴ was affected, at the initial state of conflict, violence between the Government of South Sudan and opposition forces⁷⁴⁵ intensified in July 2016 and continued into 2017 while spreading into the major producing areas of the country⁷⁴⁶ leading to a drop in national crop production and "problems in the supply of staple foods in the more remote areas"⁷⁴⁷.⁷⁴⁸ Out of the above-mentioned more than 3 million displaced people, 1.97 million⁷⁴⁹ remained in the country, while 1.83 million⁷⁵⁰ fled into neighboring countries.

⁷⁴² The military strength up to 12,500 and the police component up to 1,323; see: UN Doc. S/RES/2155, 27 May 2014, para. 8, p. 6

⁷⁴³ See: Food and Agriculture Organization of the United Nations, Special Report: *FAO/WFP crop and food security assessment mission to South Sudan*, 4 May 2017, p. 36, available at: <http://www.fao.org/3/a-i7058e.pdf>

⁷⁴⁴ Upper Nile, Unity and Jonglei

⁷⁴⁵ Leading to the departure of opposition leader Riek Machar into the DRC. When the Government of South Sudan started to chase Machar, "fighting simultaneously broke out along the route, particularly in Yei, fueling strong divisions along ethnic lines and resulted in targeted killings, arrests, rapes and mass civilian displacement of more than half of the population of the town." United Nations: UN News Centre, South Sudan: *UN report exposes human rights violations against civilians in Yei*, 19 May 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56791#.WSFbZLpuK3A>

⁷⁴⁶ Western and Central Equatoria as well as neighboring areas of Eastern Equatoria, Western Bahr el Ghazal

⁷⁴⁷ Food and Agriculture Organization of the United Nations: *Special Report, FAO/WFP crop and food security assessment mission to South Sudan*, 4 May 2017, p. 36

⁷⁴⁸ See: *Ibid*, p. 36

⁷⁴⁹ OCHA: *South Sudan: Humanitarian Snapshot*, April 2017, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/170508_South_Sudan_Humanitarian_Snapshot_April_2017.pdf

⁷⁵⁰ *Ibid*.

Most of the 1.97 million IDPs “remained within the conflict states, presenting an additional demand for food while largely not being able to farm and produce food.”⁷⁵¹ South Sudan is therewith “the world's fastest growing refugee crisis”⁷⁵². In addition, the country “hosts close to one-quarter of a million refugees from the Sudan with additional small numbers from the Democratic Republic of the Congo.”⁷⁵³ Since having gained its independence in 2011, South Sudan has been a country that is trapped in cycles of recurring violence.

In August 2016⁷⁵⁴, the UN Security Council decided to set up a Regional Protection Force that will be deployed as part of UNMISS. This decision needs to be seen in the light of UNMISS’ failure to prevent the outbreak of violence in and around Juba in July the same year and therewith its failure to protect civilians under threat.⁷⁵⁵

UNMISS has repeatedly failed to implement its mandate, especially the protection of civilians, by “troops that abandoned their posts or refused to engage combatants in a number of instances”⁷⁵⁶ while struggling to fulfill the enormity of its tasks.

Between July 2016 and January 2017, UNMISS’ Human Rights Division and the Office of the UN High Commissioner for Human Rights (OHCHR) conducted an in-depth investigation related to the fighting’s between forces of the Government of South Sudan and opposition forces. The report “has documented human rights violations and abuses [committed by both conflict parties] against civilians that may amount to war crimes or crimes against humanity”⁷⁵⁷ in the town of Yei which had until then been a largely peaceful multi-ethnic town.

⁷⁵¹ Food and Agriculture Organization of the United Nations: Special Report, FAO/WFP crop and food security assessment mission to South Sudan, 4 May 2017, p. 36

⁷⁵² United Nations: UN News Centre, South Sudan: UN, partners seek \$1.4 billion for 'world's fastest growing refugee crisis', 15 May 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56753#.WSF2zbpuK3A>

⁷⁵³ Food and Agriculture Organization of the United Nations: *Special Report, FAO/WFP crop and food security assessment mission to South Sudan*, 4 May 2017, p. 36

⁷⁵⁴ UN Doc. S/RES/2304, 12 August 2016

⁷⁵⁵ See: United Nations: UN News Centre, *South Sudan: Ban to put in place measures to improve UN Mission’s ability to protect civilians*, 1 November 2016, available at: <https://www.un.org/apps/news/story.asp?NewsID=55448#.WSGD6LpuK3A>

⁷⁵⁶ Roberts, Megan: *UN Peacekeeping in South Sudan: A Kiwi Comes to Juba*, 13 January 2017, available at: <http://peaceoperationsreview.org/commentary/un-peacekeeping-in-south-sudan-a-kiwi-comes-to-juba/>

⁷⁵⁷ United Nations: UN News Centre, *South Sudan: UN report exposes human rights violations against civilians in Yei*, 19 May 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56791#.WSFbZLpuK3A>

Nevertheless, the report also noted that UNMISS “faced an extremely challenging set of circumstances and was caught in the crossfire of an active and particularly violent conflict.”⁷⁵⁸ Yet, UN Secretary-General Ban Ki-moon “took the unusual step of firing the mission’s Kenyan force commander, drawing the ire of the Kenyan government, which announced its intent to withdraw all of its more than one thousand peacekeepers from UNMISS.”⁷⁵⁹

The town of Yei is only one example for ongoing violence and its effects on the local population throughout South Sudan. UNMISS’ Regional Protection Force is supposed to provide a secure environment in and around Juba and will “strengthen the security of UN protection of civilians’ sites and other UN premises”⁷⁶⁰.⁷⁶¹ The Council further increases UNMISS’ military strength to up to 17,000 troops whereas only 4,000 are dedicated to the Regional Protection Force.⁷⁶² It took until April 2017 for the first elements of the Force to arrive in South Sudan.⁷⁶³

In May 2017, the general situation in South Sudan continues to worsen due to the combination of recurring conflict, drought and famine that further leads to displacement. Although, according to UN Secretary-General’s Special Representative and head of UNMISS, David Shearer, no party to the conflict has shown interest in reviving the 2015 Peace Agreement, the political process in the country cannot be termed as dead although it definitely needs significant resuscitation.

⁷⁵⁸ United Nations: UN News Centre, *South Sudan: Ban to put in place measures to improve UN Mission’s ability to protect civilians*, 1 November 2016, available at: <http://www.un.org/apps/news/story.asp?NewsID=55448#.WSGllLpuKsc>

⁷⁵⁹ Roberts, Megan: *UN Peacekeeping in South Sudan: A Kiwi Comes to Juba*, 13 January 2017, available at: <http://peaceoperationsreview.org/commentary/un-peacekeeping-in-south-sudan-a-kiwi-comes-to-juba/>

⁷⁶⁰ United Nations: UN News Centre, *South Sudan: UN urges all sides to cease hostilities; regional force starts to arrive*, 29 April 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56654#.WSFbnbpuk3A>

⁷⁶¹ See: UN Doc. S/RES/2304, 12 August 2016, para. 8, p. 4

⁷⁶² See: UN Doc. S/RES/2304, 12 August 2016, para. 14, p. 5

⁷⁶³ See: United Nations: UN News Centre, *South Sudan: UN urges all sides to cease hostilities; regional force starts to arrive*, 29 April 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56654#.WSFbnbpuk3A>

However, the splintering of the opposition further complicated efforts towards peace while the last month showed an intensification of the conflict.⁷⁶⁴

Issued in March 2017⁷⁶⁵, a Report of the Commission on Human Rights in South Sudan, states that civilians were targeted on the basis of their ethnicity⁷⁶⁶ and that a process of ethnic cleansing⁷⁶⁷ is underway in South Sudan. The report further points out that, as the Special Adviser on the Prevention of Genocide had already warned, indicators for genocide were in place.⁷⁶⁸ In his report on 7 February 2017, the Special Adviser deems in paragraph 86

“the continued restrictions and impediments on access to vulnerable populations placed on the United Nations and humanitarian agencies operating in South Sudan [as] unlawful. The “scorched earth” policy may amount to starvation, which is prohibited by international law as a method of warfare, as is denying civilians safe passage from besieged areas. The civilian population is not provided with adequate food or access to health care, and their right to life is often threatened or breached by all parties to the conflict throughout the country. Moreover, the special duty of care for the well-being of children continues to be breached.”⁷⁶⁹

As a result, the Commission for South Sudan was provided with powers to collect and preserve evidence related to human rights abuses and therewith to identify suspected perpetrators.⁷⁷⁰

⁷⁶⁴ United Nations: UN News Centre, *South Sudan's political process 'not dead' but needs 'resuscitation'* – UN envoy, 25 April 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56626#.WSFbo7puK3A>

⁷⁶⁵ Report of the Commission on Human Rights in South Sudan, Doc. A/HRC/34/63, 6 March 2017, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_34_63_AEV%20-final.pdf

⁷⁶⁶ See: Report of the Commission on Human Rights in South Sudan, Doc. A/HRC/34/63, 6 March 2017, para. 81, p. 17, available at:

http://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_34_63_AEV%20-final.pdf

⁷⁶⁷ See: Ibid, para. 82, p. 17

⁷⁶⁸ See: Ibid., para. 82, p. 17

⁷⁶⁹ Ibid, para. 86, p. 18

⁷⁷⁰ Muhumuza, Rodney: *UK goes beyond UN to say South Sudan violence 'is now genocide'*, 13 April

In April 2017, the UK's International Development Secretary, Priti Patel, went beyond the United Nations' notion by labelling the violence in South Sudan as genocide and called upon the African Union to give strength to Africa and to stand up for the African people that are being massacred.⁷⁷¹ Yet, as other operations before, the United Nations' peacekeeping operations in South Sudan find themselves in a situation where they are asked to keep peace, where there is no peace to be kept.

2017, Independent, available at: <http://www.independent.co.uk/news/world/africa/south-sudan-africa-genocide-uk-priti-patel-un-violence-a7681361.html>

⁷⁷¹ See: Ibid.

5 CONCLUSIONS AND IMPLICATIONS

As Graph 4.2.3.1 *Comparison of United Nations Peacekeeping Operations* of the thesis at hand displays, seven finalized UN peacekeeping operations are currently taking place in Africa. Out of these seven, one is labeled as partial peace, two are considered as successes and four are classified as failures. These are quite inconsistent results for the United Nations' conflict management on this continent.

However, given the circumstances and the environment in which the operations are deployed, the United Nations' conflict management cannot be labeled as generally devastating. However, there is in fact no room for joy either. The analysis undertaken on the case study Sudan and the operations deployed to both the North and the South display the share of local politicians and stakeholders on the recurring cycle of conflict and violence, the Sudan and especially South Sudan are facing after becoming independent in 2011. Indeed, foreign intervention and the absence of local ownership during the Turko-Egyptian Rule (1821-1895) as well as during the Anglo-Egyptian Condominium (1899-1956) led to a division along the ethnic lines of the Sudanese that the country had not experienced before. Nevertheless, local politicians cannot be released from their responsibility since it was due to their inability that this division could not be overcome and that a common path into independence had not been started.

The above-mentioned peacekeeping operations have been analyzed on the basis of success criteria outlined by the United Nations as well as by Pushkina (2006) and Bratt (1999) respectively. While the criteria set out by Pushkina and Bratt enable us to analyze the results of an operation, the success criteria outlined by the United Nations especially display the prerequisites for the successful implementation of an operation. Out of the outlined success criterions⁷⁷², not only the political will of the parties to the conflict but also the readiness of the international community seems to be the most important factor for a successful implementation of an operation.

⁷⁷² See chapter 4.2.2 of the thesis at hand.

Without true political will of each of the parties involved, the needed peacekeeping operation cannot be deployed in time. Therefore, the cycle of conflict cannot be interrupted by the operation and is thus leading to an even higher number of people affected by the conflict while the path to peace is getting even more difficult.

As the case study “Sudan” presents on each operation deployed to the country, a lack of will also leads to the late deployment of troops and equipment, and therewith leaves the peacekeeping operation less effective and open to failure.

On the other hand, a late, understaffed and under-equipped deployment of an operation leaves the people in need in question if the international community is serious about helping the affected population while the risk that rebel groups react upon attacks on their people with even more brutality gets higher. Additionally, an inadequate peacekeeping operation signals the aggressor to actually have a free hand in continuing activities as before since, due to the obvious lack of will or disunity, no serious actions by the international community can be expected. The risk of a spread of conflict also gets higher since, as just outlined, the number of people affected by the conflicts increases.

On a continent like Africa, with a problematic environment that is already hard to tackle in times of peace, this implies that the situation for the people affected gets devastating and the local actors as well as their allies who are longing for peace are left with a situation that is almost not to be handled. In this regard, the Sudan is a perfect example for most of the African countries especially those that the Fragile States Index categorizes with a high or even very high alert and that are therefore labeled as failing, failed or even collapsed states.

Even though the international community reacted to the incidents in the Sudan, and especially to those in Darfur, with an outcry, the political will to deploy peacekeeping operations that are adequately staffed and resourced was not evident. In the case of Darfur, two years after the deployment of UNAMID the operation still reaches only 70 percent of its envisaged strength.

As Piiparinen states it

“While the intervention force of the UN Assistance Mission in Rwanda (UNAMIR II) landed in Rwanda *after* the genocide had been completed, military intervention in Darfur was not even seriously considered until late July 2004, a full year after the outbreak of large-scale violence. And then, intervention was considered only by the African Union (AU), an organization facing a severe shortage of materiel equipment and logistical capacity with which to conduct any effective military operation.”⁷⁷³

Several suggestions have been made after the Darfur crisis on how the violence could have been stopped. Lieutenant General Roméo A. Dallaire, commander of UN operation in Rwanda at the time of the genocide, stated his believe in his New York Times article in 2004 “that a mixture of mobile African Union troops supported by NATO soldiers equipped with helicopters, remotely piloted vehicles, night-vision devices and long-range special forces could protect Darfur’s displaced people in their camps and remaining villages, and eliminate or incarcerate the Janjaweed”⁷⁷⁴.

It is the author’s opinion, that in essence it does not matter if it is the United Nations or the African Union that is supported by the NATO that tackles a conflict. If the above outlined political will of each party involved is not given, an operation is very likely not to successfully implement its mandate and therefore is not able to support the parties on their path to peace regardless of which organization provides personnel and equipment.

As mentioned, UNMISS is one of the most expensive operations the United Nations has deployed so far. Nevertheless, we are still facing a situation in the country today, where civilians are targeted on the basis of their ethnicity⁷⁷⁵ as well as due to a process of ethnic cleansing⁷⁷⁶.

⁷⁷³ Piiparinen, 2007, 367

⁷⁷⁴ Dallaire, Roméo A.: „Looking at Darfur, Seeing Rwanda,” *New York Times*, 4 October 2004, available at: http://www.nytimes.com/2004/10/04/opinion/looking-at-darfur-seeing-rwanda.html?_r=0

⁷⁷⁵ See: Report of the Commission on Human Rights in South Sudan, Doc. A/HRC/34/63, 6 March 2015, 186

In addition, on 7 February 2017, the UN Special Adviser on the Prevention of Genocide renewed his warning that there were indicators for genocide in South Sudan. UNMISS' performance can therewith only be assessed as failed. These days, South Sudan is a place of humanitarian disaster. Many people are not only dying from hunger and disease within South Sudan these days but also in the neighboring countries where people from South Sudan had hoped to end their suffering.

Although South Sudan is "the world's fastest growing refugee crisis"⁷⁷⁷ with almost two million refugees hosted by the neighboring countries, humanitarian agencies are struggling to finance life-saving aid for the refugees related to this conflict. It is quite a shameful sign that out of the \$1.4 billion (€1,2 billion) the humanitarian response plan to South Sudan needs to provide aid to the refugees until the end of 2017, only 14 percent were funded until May this year. Given the warning of genocide and refugee rates that had already surpassed the expected figure for the entire year in March 2017, this reluctance of the international community cannot be understood⁷⁷⁸.

Besides the self-imposed "Responsibility to Protect" people when a state is unwilling or unable to do so it should be clear to everybody that in the light of a probable genocide a further increase of this already immense refugee number fleeing to countries that are themselves suffering from similar root causes and that are mostly categorized as very fragile states themselves, can only cause a further destabilization of the whole region with immediate effects⁷⁷⁹ on states that are considering themselves as being far away from that continent.

At this point inadequacy of an operations mandate, the failures of operations carrying out their mandate, the question if one or the other organization would be more appropriate to react to a certain crisis etc. could be discussed further but would definitely go beyond this thesis' topic.

2017, para. 81, p. 17

⁷⁷⁶ See: Ibid, para. 82, p. 17

⁷⁷⁷ United Nations: UN News Centre, *South Sudan: UN, partners seek \$1.4 billion for 'world's fastest growing refugee crisis'*, 15 May 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56753#.WSF2zbpuK3A>

⁷⁷⁸ See: United Nations: UN News Centre, *South Sudan: UN, partners seek \$1.4 billion for 'world's fastest growing refugee crisis'*, 15 May 2017, available at: <https://www.un.org/apps/news/story.asp?NewsID=56753#.WSF2zbpuK3A>

⁷⁷⁹ Conflicts can become international due to the illegal flow of arms, terrorism, drug trafficking or the flow of refugees.

However, despite the author's agreement on the view that "United Nations peacekeeping is a key instrument of the Member States in support of the maintenance of international peace and security" and the consent that UN peacekeeping is a "unique mechanism for collective action and partnership"⁷⁸⁰ it is the author's view that the solution to these problems rests in the moral understandings of the people in power.

As stated in part II of the thesis at hand, the organization has and is still undergoing a restructuring and development of its system in order to provide more effective operations to conflict all-over the world. The international community has agreed upon the Universal Declaration on Human Rights, the International Convention on Genocide and most recently the Responsibility to Protect. But despite these agreements, the world is now probably facing its most recent genocide in South Sudan. How come?

The author strongly believes that the answer cannot be found in the United Nations' system or in the lack of international agreements. As the analysis of different United Nations' peacekeeping operations displays, some operations are successful, while others are not. It is the author's opinion that besides other success factors, it is first and foremost the duty of world leaders to stick to international agreements and to take over responsibility for their own people. The author strongly believes that the restructuring of the United Nations cannot solve any problems unless those in power take over their moral responsibility and act accordingly.

Moreover, the reorientation towards a peaceful co-existence is a process that each nation state urgently needs to undergo in the light of today's challenges. As history has shown, conflicts and humanitarian tragedies know no borders and can take place anywhere and at any time and so the society and the respective leaders have to focus on how to solve root causes before they turn into human catastrophes.

This does not only include the question of how different cultures and religions can peacefully live together.

⁷⁸⁰ United Nations Department of Peacekeeping Operations and Department of Field Support: *The New Horizon Initiative: Progress Report No. 2*, December 2011, p. 4

A more comprehensive approach that includes questions such as how much economic growth is actually required, needs to be applied. Is it really necessary that the economies of so called developed states continuously need to grow by e.g. depriving people in Africa of their livelihood by making use of their power to increase their production and income?

This position certainly doesn't aim to release local politicians from their responsibility. It is clear that the Sudan's elite has mainly focused on keeping and expanding its own power and not on doing the best for its people. Nevertheless, it is also clear that international interests always trigger existing disputes even further.

This thesis argues that since the condominium and especially since the oil discoveries in the Sudan and South Sudan, foreign battles for resources cumulating in an increase of their own economic growth and international influence, were resolved on the back of local people. In this context, the author of the thesis at hand reminds the international community of its responsibility for conflicts in distant places like in the Sudan.

In addition, the practice of nation states, i.e. to support parties to a conflict with weapons and other equipment and then with alleged support by the deployment of peacekeeping operations needs to be questioned. Finally, the author strongly believes that everyone needs to question him/herself how much technical development and commodity is needed - considering that due to these requests the fight for different resources starts to harden worldwide and therewith contributes to already existing causes of conflict. These are fundamental questions that have come up during the preparation of the thesis at hand.

The search for an answer to these questions that needs to be made in future analysis, does not only contribute to the question of how the United Nations operations, and in particular its peacekeeping operations, can be more effective and successful but especially contributes to the question of how existing root causes can be removed.

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7 ATTACHMENTS

7.1 Abstract (English)

The world leaders have established International Organizations to cooperate on specific matters on an international level since the middle of the nineteenth century.

The United Nations evolved in 1945/46 when the world leaders established an international organization after the Second World War that should serve as an internationally accepted instrument to not only peacefully settle a crisis, but also to prevent – and if needed – manage it.

Since the end of the Cold War, the world has increasingly been witnessed a change of conflict. Not only are conflicts more and more often carried out within (internal, intrastate) states than between states (interstate), but the origins of conflict have changed as well, whereby the civilian population is increasingly involved in the conflict.

The United Nations has therefore developed its conflict management tools to be able to effectively react to these new developments. It has sent its peacekeepers to diverse conflict zones around the world to keep peace in the affected area or region, to prevent a possible spread of the conflict and therewith to protect the world peace. But how successful is the United Nations' conflict management and – in particular – are its peacekeeping operations a success? In fact, what are the success factors that enable the United Nations to bring some operations to a successful end? Why do others remain as examples for failure of the United Nations' conflict management? These questions that motivated the thesis at hand, are covered in the case study of the Sudan.

7.2 Abstract (German)

In der Mitte des neunzehnten Jahrhunderts wurden internationale Organisationen mit dem Ziel gegründet, zwischenstaatliche Kooperation auf internationaler Ebene zu den unterschiedlichsten Themenbereichen zu ermöglichen. Die Vereinten Nationen entwickelten sich in 1945/46 als es nach dem Zweiten Weltkrieg. Damals wollte man eine internationale Organisation gründen, welche als international anerkanntes Instrument nicht nur zur friedlichen Beilegung von Krisen, sondern auch zur Verhinderung deren Ausbruchs – und wenn notwendig, deren Management – dienen sollte.

Seit dem Ende des Kalten Krieges kam es zu einem Wandel in Konflikten. Diese wurden nun vermehrt innerstaatlich denn zwischenstaatlich ausgetragen. Ebenso hat sich der Ursprung von Konflikten verändert, wobei zunehmend die Zivilbevölkerung in Konflikte involviert wurde.

Die Vereinten Nationen haben daher ihre Fähigkeiten im Konfliktmanagement weiterentwickelt, um auf die genannten neuen Entwicklungen effektiv reagieren zu können. Weltweit wurden Friedenstruppen zu diversen Konflikten entsandt um den Frieden in den betroffenen Gebieten zu erhalten sowie um eine mögliche Verbreitung des Konflikts zu verhindern um somit den Weltfrieden zu schützen. Jedoch, wie erfolgreich ist das Konfliktmanagement der Vereinten Nationen – und speziell – wie erfolgreich sind ihre Friedensoperationen? Um welche Faktoren handelt es sich, die es den Vereinten Nationen ermöglichen einige Operationen erfolgreich zu beenden? Weshalb verbleiben andere als ein Beispiel für das Scheitern des Konfliktmanagements der Vereinten Nationen? Diese Fragen, die der vorliegenden Arbeit zugrunde liegen, werden in der Fallstudie Sudan behandelt.