

UN, A Multinational Force to Facilitate Humanitarian Aid

[Source: UN Doc. S/RES/1080 (November 15, 1996)]

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

The Security Council,

[...],

Gravely concerned at the continuing deteriorating situation in the Great Lakes region, in particular eastern Zaire, [...],

Stressing the need for all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations,

Underlining the obligation of all concerned strictly to respect the relevant provisions of international humanitarian law, [...],

Recognizing that the current situation in eastern Zaire demands an urgent response by the international community,

Reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the OAU to address the problems of the region in a comprehensive way,

Determining that the present situation in eastern Zaire constitutes a threat to international peace and security in the region,

Bearing in mind the humanitarian purposes of the multinational force as specified below,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* its condemnation of all acts of violence, and its call for an immediate ceasefire and a complete cessation of all hostilities in the region;

[...]

1. *Welcomes* the offers made by Member States, in consultation with the States concerned in the region, concerning the establishment for humanitarian purposes of a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire, and to facilitate the voluntary, orderly repatriation of refugees by the United Nations High Commissioner for Refugees as well as the voluntary return of displaced persons, and invites other interested States to offer to participate in these efforts;

[...]

1. *Authorizes* the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 3 above to achieve, by using all necessary means, the humanitarian objectives set out therein;
2. *Calls upon* all concerned in the region to cooperate fully with the multinational force and humanitarian agencies and to ensure the security and freedom of movement of their personnel;
3. *Calls upon* the Member States participating in the multinational force to cooperate with the Secretary-General and to coordinate closely with the United Nations Coordinator for humanitarian assistance for eastern Zaire and the relevant humanitarian relief operations; [...]
4. *Expresses* its intention to authorize the establishment of a follow-on [*sic*] operation which would succeed the multinational force, and *requests* the Secretary-General to submit for its consideration a report, no later than 1 January 1997, containing his recommendations regarding the possible concept, mandate, structure, size and duration of such an operation, as well as its estimated

Discussion

1. a. Is the situation here of such gravity as to constitute a threat to peace justifying measures under Chapter VII of the UN Charter? Are violations of IHL themselves (specifically, the denial of access to humanitarian aid) threats to peace, thus justifying measures under Chapter VII of the UN Charter? Even in non-international armed conflicts? Could the same be said of gross violations of human rights outside armed conflicts?
- b. Is the sending of a multinational protection force to facilitate humanitarian assistance an appropriate measure to stop this threat? Should military forces really perform this role? Can they do so? Is the UN mandate of the protection force the best solution for this situation, particularly when “all necessary means” may be used? Will it help restore law and order? Would the objective here be more accurately defined if called conflict resolution instead of humanitarian action?

- c. How should the roles ideally be distributed between military forces and humanitarian organizations?
2.
 - a. What features distinguish humanitarian action from conflict resolution? Why should the distinction between these objectives be maintained?
 - b. How can the risk of entering the domain of “interference” in the internal affairs of a State be avoided? Where is the dividing line between humanitarian intervention and political interference?
3.
 - a. Is it possible to envisage the UN dispatch of military forces solely to enforce IHL while excluding any action related to resolving the conflict?
 - b. Which problems are faced by a State, organization or military force that wishes to intervene in terms of conflict resolution at the same place where it also wishes to enforce IHL or provide humanitarian aid?
4. Is the multinational force sent by the UN bound by IHL? Does the applicability of IHL depend on whether the troops are considered to be under each individual State’s authority? Does IHL apply to the international forces here? What do you think of the argument that IHL cannot formally apply to such operations because they are not armed conflicts between equal partners, but law enforcement actions – if not “police operations” – conducted by the international community, authorized by the Security Council and reflecting international legal norms whose aim is not to make war but to enforce “law and order”? (GC I-IV, Art. 2)
5. Have parties to international and non-international armed conflicts an obligation to accept humanitarian assistance to civilians in need? May humanitarian organizations or third States provide such assistance to civilians in need even without the agreement of the relevant party to conflict? Can a UN Security Council Resolution replace such agreement? (GC IV, Arts 1, 2, 3, 59-61; P I, Arts 69, 70, 81 and 91; P II, Art. 18)