

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.

[Source: United Nations Document A/55/305-S/2000/809, *Comprehensive review of the whole question of peacekeeping operations in all their aspects*, 21 August 2000, <http://www.un.org>]

UNITED NATIONS – A/55/305-S/2000/809 GENERAL ASSEMBLY – SECURITY COUNCIL

21 August 2000 [...] COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACEKEEPING OPERATIONS IN ALL THEIR ASPECTS [...]

REPORT OF THE PANEL ON UNITED NATIONS PEACE OPERATIONS [...]

Executive Summary

[...] The Secretary-General has asked the Panel on United Nations Peace Operations, composed of individuals experienced in various aspects of conflict prevention, peacekeeping and peace-building, to assess the shortcomings of the existing system and to make frank, specific and realistic recommendations for change. Our recommendations focus not only on politics and strategy but also and perhaps even more so on operational and organizational areas of need.

For preventive initiatives to succeed in reducing tension and averting conflict, the Secretary-General needs clear, strong and sustained political support from Member States. Furthermore, as the United Nations has bitterly and repeatedly discovered over the last decade, no amount of good intentions can substitute for the fundamental ability to project credible force if complex peacekeeping, in particular, is to succeed. But force alone cannot create peace; it can only create the space in which peace may be built. Moreover, the changes that the Panel recommends will have no lasting impact unless Member States summon the political will to support the United Nations politically, financially and operationally to enable the United Nations to be truly credible as a force for peace.

Each of the recommendations contained in the present report is designed to remedy a serious problem in strategic direction, decision-making, rapid deployment, operational planning and support, and the use of modern information technology. [...]

I. THE NEED FOR CHANGE

1. The United Nations was founded, in the words of its Charter, in order “to save succeeding generations from the scourge of war.” Meeting this challenge is the most important function of the Organization, and, to a very significant degree, the yardstick by which it is judged by the peoples it exists to serve. [...]
2. The recommendations that the Panel presents balance principle and pragmatism, while honouring the spirit and letter of the Charter of the United Nations and the respective roles of the Organization’s legislative bodies. They are based on the following premises: [...]

(e) The essential importance of the United Nations system adhering to and promoting international human rights instruments and standards and international humanitarian law in all aspects of its peace and security activities; [...]

II. DOCTRINE, STRATEGY AND DECISION-MAKING FOR PEACE OPERATIONS [...]

D. Implications for peace-building strategy

1. The Security Council and the General Assembly’s Special Committee on Peace-keeping Operations have each recognized and acknowledged the importance of peace-building as integral to the success of peacekeeping operations. [...]
2. [...] The human rights components within peace operations have not always received the political and administrative support that they require, however, nor are their functions always clearly understood by other components. Thus, the Panel stresses the importance of training military, police and other civilian personnel on human rights issues and on the relevant provisions of international humanitarian law. In this respect, the Panel commends the Secretary-General’s bulletin of 6 August 1999 entitled “Observance by United Nations forces of international humanitarian law” (ST/SGB/1999/13). [See UN, Guidelines for UN Forces [Part B.]] [...]

E. Implications for peacekeeping doctrine and strategy [...]

1. [...] Once deployed, United Nations peacekeepers must be able to carry out their mandate professionally and successfully. This means that United Nations military units must be capable of defending themselves, other mission components and the mission’s mandate. Rules of engagement should not limit contingents to stroke-for-stroke responses but should allow ripostes sufficient to silence a source of deadly fire that is directed at United Nations troops or at the people they are charged to protect and, in particularly dangerous situations, should not force United Nations contingents to cede the initiative to their attackers.
2. Impartiality for such operations must therefore mean adherence to the principles of the Charter and to the objectives of a mandate that is rooted in those Charter principles. Such impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time, which can amount to a policy of

appeasement. In some cases, local parties consist not of moral equals but of obvious aggressors and victims, and peacekeepers may not only be operationally justified in using force but morally compelled to do so. Genocide in Rwanda went as far as it did in part because the international community failed to use or to reinforce the operation then on the ground in that country to oppose obvious evil. The Security Council has since established, in its resolution 1296 (2000), that the targeting of civilians in armed conflict and the denial of humanitarian access to civilian populations afflicted by war may themselves constitute threats to international peace and security and thus be triggers for Security Council action. If a United Nations peace operation is already on the ground, carrying out those actions may become its responsibility, and it should be prepared. [...]

F. Clear, credible and achievable mandates

1. As a political body, the Security Council focuses on consensus-building, even though it can take decisions with less than unanimity. But the compromises required to build consensus can be made at the expense of specificity, and the resulting ambiguity can have serious consequences in the field if the mandate is then subject to varying interpretation by different elements of a peace operation, or if local actors perceive a less than complete Council commitment to peace implementation that offers encouragement to spoilers. [...] Rather than send an operation into danger with unclear instructions, the Panel urges that the Council refrain from mandating such a mission. [...]
2. The Panel believes that the Secretariat must be able to make a strong case to the Security Council that requests for United Nations implementation of ceasefires or peace agreements need to meet certain minimum conditions before the Council commits United Nations-led forces to implement such accords, including [...] that any agreement be consistent with prevailing international human rights standards and humanitarian law; [...]
3. Finally, the desire on the part of the Secretary-General to extend additional protection to civilians in armed conflicts and the actions of the Security Council to give United Nations peacekeepers explicit authority to protect civilians in conflict situations are positive developments. Indeed, peacekeepers – troops or police – who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles and, as stated in the report of the Independent Inquiry on Rwanda, consistent with “the perception and the expectation of protection created by [an operation’s] very presence” (see S/1999/1257). [...]

ANNEX III SUMMARY OF RECOMMENDATIONS

1. Preventive action

- a. The Panel endorses the recommendations of the Secretary-General with respect to conflict prevention contained in the Millennium Report and in his remarks before the Security Council’s second open meeting on conflict prevention in July 2000, in particular his appeal to “all who are engaged in conflict prevention and development – the United Nations, the Bretton Woods institutions, Governments and civil society organizations – [to] address these challenges in a more integrated fashion”;
- b. The Panel supports the Secretary-General’s more frequent use of fact-finding missions to areas of tension, and stresses Member States’ obligations, under Article 2(5) of the Charter, to give “every assistance” to such activities of the United Nations.

2. Peace-building strategy

[See *supra* D.]

- a. A small percentage of a mission's first-year budget should be made available to the representative or special representative of the Secretary-General leading the mission to fund quick impact projects in its area of operations [...];
- b. The Panel recommends a doctrinal shift in the use of civilian police, other rule of law elements and human rights experts in complex peace operations to reflect an increased focus on strengthening rule of law institutions and improving respect for human rights in post-conflict environments;
- c. The Panel recommends that the legislative bodies consider bringing demobilization and reintegration programmes into the assessed budgets of complex peace operations for the first phase of an operation in order to facilitate the rapid disassembly of fighting factions and reduce the likelihood of resumed conflict; [...]

4. Clear, credible and achievable mandates

[See *supra* F.]

[...]

- (b) The Security Council should leave in draft form resolutions authorizing missions with sizeable troop levels until such time as the Secretary-General has firm commitments of troops and other critical mission support elements, including peace-building elements, from Member States;
- (c) Security Council resolutions should meet the requirements of peacekeeping operations when they deploy into potentially dangerous situations, especially the need for a clear chain of command and unity of effort;
- (d) The Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when formulating or changing mission mandates, and countries that have committed military units to an operation should have access to Secretariat briefings to the Council on matters affecting the safety and security of their personnel, especially those meetings with implications for a mission's use of force.

5. Information and strategic analysis

The Secretary-General should establish an entity, referred to here as the ECPS Information and Strategic Analysis Secretariat (EISAS), which would support the information and analysis needs of all members of ECPS; [...]

6. Transitional civil administration

The Panel recommends that the Secretary-General invite a panel of international legal experts, including individuals with experience in United Nations operations that have transitional administration mandates, to evaluate the feasibility and utility of developing an interim criminal code, including any regional adaptations potentially required, for use by such operations pending the reestablishment of local rule of law and local law enforcement capacity.

7. Determining deployment timelines

The United Nations should define “rapid and effective deployment capacities” as the ability, from an operational perspective, to fully deploy traditional peacekeeping operations within 30 days after the adoption of a Security Council resolution, and within 90 days in the case of complex peacekeeping operations.

8. Mission leadership

- a. The Secretary-General should systematize the method of selecting mission leaders, [...]
- b. The entire leadership of a mission should be selected and assembled at Headquarters as early as possible in order to enable their participation in key aspects of the mission planning process, for briefings on the situation in the mission area and to meet and work with their colleagues in mission leadership;
- c. The Secretariat should routinely provide the mission leadership with strategic guidance and plans for anticipating and overcoming challenges to mandate implementation; [...]

9. Military personnel

- a. Member States should be encouraged, where appropriate, to enter into partnerships with one another, within the context of the United Nations Standby Arrangements System (UNSAS), to form several coherent brigade-size forces, with necessary enabling forces, ready for effective deployment within 30 days of the adoption of a Security Council operation and within 90 days for complex peacekeeping operations;
- b. The Secretary-General should be given the authority to formally canvass Member States participating in UNSAS regarding their willingness to contribute troops to a potential operation, once it appeared likely that a ceasefire accord or agreement envisaging an implementing role for the United Nations, might be reached;
- c. The Secretariat should, as a standard practice, send a team to confirm the preparedness of each potential troop contributor to meet the provisions of the memoranda of understanding on the requisite training and equipment requirements, prior to deployment; those that do not meet the requirements must not deploy; [...]

10. Civilian police personnel

(a) Member States are encouraged to each establish a national pool of civilian police officers that would be ready for deployment to United Nations peace operations on short notice, within the context of the United

Nations Standby Arrangements System;

(b) Member States are encouraged to enter into regional training partnerships for civilian police in the respective national pools, to promote a common level of preparedness in accordance with guidelines, standard operating procedures and performance standards to be promulgated by the United Nations; [...]

(e) The Panel recommends that parallel arrangements to recommendations (a), (b) [...] above be established for judicial, penal, human rights and other relevant specialists, who with specialist civilian police will make up collegial “rule of law” teams.

11. Civilian specialists

(a) The Secretariat should establish a central Internet/Intranet-based roster of pre-selected civilian candidates available to deploy to peace operations on short notice. [...]

12. Rapidly deployable capacity for public information

Additional resources should be devoted in mission budgets to public information and the associated personnel and information technology required to get an operation’s message out and build effective internal communications links.

13. Logistics support and expenditure management

- a. The Secretariat should prepare a global logistics support strategy to enable rapid and effective mission deployment within the timelines proposed and corresponding to planning assumptions established by the substantive offices of DPKO; [...]

14. Funding Headquarters support for peacekeeping operations

- a. The Panel recommends a substantial increase in resources for Headquarters support of peacekeeping operations, and urges the Secretary-General to submit a proposal to the General Assembly outlining his requirements in full;
- b. Headquarters support for peacekeeping should be treated as a core activity of the United Nations, and as such the majority of its resource requirements for this purpose should be funded through the mechanism of the regular biennial programme budget of the Organization; [...]

15. Integrated mission planning and support [...]

16. Other structural adjustments in DPKO [...]

17. Operational support for public information

A unit for operational planning and support of public information in peace operations should be established. [...]

18. Peace-building support in the Department of Political Affairs

- a. The Panel supports the Secretariat's effort to create a pilot Peace-building Unit within DPA. [...]

19. Peace operations support in the Office of the United Nations High Commissioner for Human Rights

The Panel recommends substantially enhancing the field mission planning and preparation capacity of the Office of the United Nations High Commissioner for Human Rights, with funding partly from the regular budget and partly from peace operations mission budgets.

20. Peace operations and the information age

(a) Headquarters peace and security departments need a responsibility centre to devise and oversee the implementation of common information technology strategy and training for peace operations, residing in EISAS. Mission counterparts to the responsibility centre should also be appointed to serve in the offices of the special representatives of the Secretary-General in complex peace operations to oversee the implementation of that strategy; [...]

(c) Peace operations could benefit greatly from more extensive use of geographic information systems (GIS) technology, which quickly integrates operational information with electronic maps of the mission area, for applications as diverse as demobilization, civilian policing, voter registration, human rights monitoring and reconstruction;

(d) The IT needs of mission components with unique information technology needs, such as civilian police and human rights, should be anticipated and met more consistently in mission planning and implementation;

(e) The Panel encourages the development of web site co-management by Headquarters and the field missions, in which Headquarters would maintain oversight but individual missions would have staff authorized to produce and post web content that conforms to basic presentational standards and policy.