

2016

Delegating Peace Enforcement Missions- But to Whom? What the U.N.'s Recent Recommendation Reveals About Today's Crisis in Legitimate Actors for Robust Peace Operations

Karima Tawfik

University of Michigan Law School

Follow this and additional works at: http://repository.law.umich.edu/mlr_online



Part of the [International Law Commons](#), and the [Military, War, and Peace Commons](#)

Recommended Citation

Karima Tawfik, *Delegating Peace Enforcement Missions- But to Whom? What the U.N.'s Recent Recommendation Reveals About Today's Crisis in Legitimate Actors for Robust Peace Operations*, 115 MICH. L. REV. ONLINE 1 (2016).

Available at: http://repository.law.umich.edu/mlr_online/vol115/iss1/1

This Commentary is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review Online by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

**DELEGATING PEACE ENFORCEMENT
MISSIONS—BUT TO WHOM?
WHAT THE U.N.’S RECENT
RECOMMENDATION REVEALS ABOUT
TODAY’S CRISIS IN LEGITIMATE ACTORS FOR
ROBUST PEACE OPERATIONS**

*Karima Tawfik**

INTRODUCTION

On June 17, 2015, under the instructions of Secretary General Ban Ki-moon, the United Nations (U.N.) reviewed its peace operations and submitted its findings to member states. The report, titled “Report of the High-Level Independent Panel on Peace Operations on Uniting Our Strengths for Peace: Politics, Partnership, and People,” recommends—among an array of other reforms—that the Security Council move away from authorizing peace operations conducted entirely through the U.N. and, instead, delegate peace operations in situations of sustained armed conflict to non-U.N. actors, such as regional organizations and ad hoc coalitions of member states.¹

This recent recommendation by the U.N. panel is a symbol of today’s crisis in peace operations, which arises from the lack of legitimate actors to conduct robust peacekeeping missions—that is, those peace operations conducted in “environments with no peace to keep”² or in “situations of violent conflict and in the absence of a viable peace process.”³ In such instances of sustained armed conflict, the U.N. has increasingly authorized

* J.D., December 2015, University of Michigan Law School. Winner of the *Michigan Law Review First Impressions* Writing Competition 2016. I would like to thank Professor Monica Hakimi for her guidance on this Essay and for her course, the Use of Force in International Law, which provided the subject-matter background on peacekeeping missions.

1. Rep. of the High-Level Indep. Panel on Peace Operations on Uniting Our Strengths for Peace: Politics, Partnership and People, para.118, U.N. Doc. A/70/95-S/2015/446 (June 17, 2015) [hereinafter Rep. of the High-Level Indep. Panel].

2. *Id.* at 12; see also Mateja Peter, *Between Doctrine and Practice: The U.N. Peacekeeping Dilemma*, 21 GLOBAL GOVERNANCE 351, 356 (2015) (“[T]he Security Council is increasingly becoming more willing to deploy peacekeepers where there is no peace to keep.”).

3. Rep. of the High-Level Indep. Panel, *supra* note 1, at 43.

“offensive force,”⁴ such as targeted offensive operations to “degrade, neutralize or defeat an opponent,”⁵ in missions that are “increasingly bearing a resemblance to the stabilization missions in Afghanistan and Iraq.”⁶ According to Mateja Peter, such U.N. peace operations are “erasing the line between peacekeeping”⁷—that is, those missions that seek to maintain a secure environment, deter the resumption of violence, provide a secure space for the advancement of the political process, and protect civilians⁸—and “peace enforcement”—missions that enforce political solutions through offensive use of force (such as target combat operations)⁹ and without the consent of all parties to the conflict.¹⁰

This Essay argues that in assessing whether or not to move towards the U.N. panel’s proposed model that champions regional actors and ad hoc coalitions over the U.N. itself, the international community must weigh the marginal costs and benefits of this plan. This essay follows the U.N. panel’s call for the international community to derive lessons from the past¹¹ by examining three case studies where regional actors and ad hoc coalitions, rather than the U.N., have embarked on peace enforcement missions. It argues that if the international community chooses to follow the U.N. panel’s recommendation on deferring to regional actors or ad hoc coalitions, it should prepare for fewer peace enforcement operations, of shorter duration, and at times motivated by regional politicking. The international community should also be aware that the benefits of the panel’s recommendation—swift and decisive action and a somewhat increased ability for the U.N. to adhere to its principles of consent, impartiality, and nonuse of force—will be counter-balanced by fewer controls on regional actors’ profiteering and human rights abuses and a lack of guarantee as to the length of the mission.

The analysis proceeds in two parts. First, the Essay will examine the proposed method’s impact on the U.N.’s ability to return to defensive and impartial tasks in the midst of conflict, that is, the likelihood that the U.N.

4. *Id.* para. 121.

5. *Id.*

6. Peter, *supra* note 2, at 352.

7. *Id.*

8. *See* Rep. of the High-Level Indep. Panel, *supra* note 1, para. 106.

9. Peter, *supra* note 2, at 352–54, 360.

10. *Id.* at 358. (“UN peacekeeping operations are supposed to be deployed with the consent of the main parties to the conflict. This distinguishes them from enforcement operations . . . [C]onsent is missing in contemporary operations, mainly because comprehensive peace agreements are lacking.”)

11. Rep. of the High-Level Indep. Panel, *supra* note 1, para. 133.

will satisfy its principles of consent, impartiality, and nonuse of force following other actors' interventions. Then, the Essay will evaluate the proposal's impact on other metrics of successful peace enforcement operations: the ability to enforce peace swiftly, in conformity with international human rights and laws-of-war principles, and with adequate capacity to bring an end to hostilities.¹²

To control for variables that may lead to more difficult peace enforcement challenges, this Essay only tracks peace enforcement operations where the host state's government invited a regional organization or ad hoc coalition to conduct the peace enforcement operation. This analysis will draw upon operations by the Economic Community of West African States in Sierra Leone and Liberia, by the Southern African Development Community in the Democratic Republic of Congo (DRC) and Lesotho, and by an ad hoc coalition of francophone African countries, *Mission Interafricaine de Surveillance des Accords de Bangui*, in the Central African Republic. This Essay focuses on these operations because they represent some of the few peace enforcement operations executed outside the auspices of the U.N. and with the invitation of the host state's government.

I. AD HOC COALITIONS AND REGIONAL ACTORS AS FIRST RESPONDERS: PROTECTING THE U.N.'S ROLE IN DEFENSIVE AND IMPARTIAL TASKS?

In her recent article on the U.N.'s peacekeeping dilemma, Mateja Peter describes the classic peacekeeping doctrine as one in which the U.N. plays a role in "defensive and impartial tasks" such as protecting civilians and supporting post-conflict processes and mediation.¹³ This model reflects the basic principles of U.N. peacekeeping as developed through the Brahimi Report¹⁴ and the "Capstone Doctrine"¹⁵: consent, impartiality, and nonuse of

12. This Essay evaluates only the panel's recommendation to defer robust peace operations to regional actors or ad hoc coalitions; it does not seek to evaluate the many beneficial recommendations that the panel discusses at length in its report, such as ensuring that the U.N. uses its convening power to prevent and mediate conflict and to assist in political solutions, Rep. of the High-Level Indep. Panel, *supra* note 1, at 10–11, that it create a rapid response U.N. team to establish initial mission presence and to reinforce missions in crisis, *id.* at 13, and that it move away from U.N. Headquarter-focused policies toward a field-focused administrative framework. *Id.* at 15.

13. Peter, *supra* note 2, 366–67 (2015).

14. The *Brahimi Report*, Rep. of the Panel on United Nations Peace Operations, U.N. Doc. A/55/305-S/2000/809 (August 21, 2000) [hereinafter *Brahimi Report*], named after Lakhdar Brahimi, the Chair of the Panel on United Nations Peace Operations, was unanimously adopted by the Security Council on November 13, 2000, and contained recommendations regarding peacekeeping operations. "*Brahimi Report*": *Report of the Panel on United Nations Peace Operations (2000)*, UNITED NATIONS, http://www.un.org/en/events/pastevents/brahimi_report.shtml [https://perma.cc/YUD8-FAUR]. The report was a culmination of efforts by the U.N. to assess the shortcomings of the

force (except in self-defense).¹⁶ As Peter describes, U.N. peacekeeping operations are supposed to be deployed with these three principles because, in the absence of consent, impartiality, and nonuse of force principles, a U.N. peace operation might struggle to carry out its basic functions,¹⁷ present itself as a neutral party in peace negotiations,¹⁸ or maintain legitimacy among local populations.¹⁹

Yet, U.N. peace operations have recently forfeited such principles for more robust peace-operation mandates, as described by the U.N. panel and Peter.²⁰ The U.N. panel stated in a 2015 report that “[t]oday, several United Nations missions are effectively being called upon to undertake a conflict management role”²¹ and to conduct “stabilization”²² missions that “support the extension or restoration of State authority.”²³ Peter describes the Security Council’s move away from the traditional model in spring 2013, when it expanded the mandate of the peacekeeping mission in the DRC to include offensive combat. Specifically, the Security Council authorized a “force intervention brigade” within the existing U.N. Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) mission structure to push back the Tutsi March 23 (M23) militia in the east and directed U.N. peacekeepers to assist Congolese forces in fighting armed groups.²⁴ These directives explicitly compromise the U.N.’s historically impartial role. As Peter states, “the types of activities that U.N. peacekeepers are mandated to perform imply that the U.N. is engaged in a battle in coalition with the Congolese government, the same government that the U.N. and other international actors have repeatedly criticized for condoning serious abuses by its military against civilians.”²⁵ As the DRC mission

U.N.’s then-existing peace operations that had led to the failure of the U.N. to prevent genocide in Rwanda in 1994 and to protect the inhabitants of Srebrenica in Bosnia and Herzegovina in 1995. *Id.*

15. In 2008, the U.N. released the *Capstone Doctrine*, U.N. Secretariat, Dep’t of Peacekeeping Operations, *United Nations Peacekeeping Operations: Principles and Guidelines*, (2008) [hereinafter *Capstone Doctrine*], which outlined the most important principles and guidelines for U.N. peacekeepers in the field.

16. *Brahimi Report*, *supra* note 14, para. 48; *Capstone Doctrine*, *supra* note 15, at 31.

17. Peter, *supra* note 2, at 358.

18. *Id.* at 364.

19. *See id.* at 360.

20. *See supra* notes 2–11 and accompanying text.

21. Rep. of the High-Level Indep. Panel, *supra* note 1, at para. 113.

22. *Id.* para. 114.

23. *Id.*

24. Peter, *supra* note 2, at 354.

25. *Id.*

demonstrates, the robust U.N. mandate threatens to compromise U.N. credibility in the eyes of civilian populations and on the international stage.

Why did the U.N. move toward engaging in partial actions on the international stage? The U.N. panel stated in a 2015 report that while it is “convinced of the importance” of the core principles, “[a]t the same time, the Panel stresses its concern that the principles of peacekeeping should never be used as an excuse for failure to protect civilians or defend the mission proactively.”²⁶ The panel noted the U.N.’s “determination to respond even-handedly to the actions of different parties” to the conflict and ultimately calls for a “flexible and progressive interpretation of U.N. principles.”²⁷ These statements seem to demonstrate that the panel is torn between its capacity constraints and its sense of obligation in instances where there are “obvious aggressors and victims,”²⁸ such as the Rwandan genocide or the massacre of civilians at Srebrenica, which led to the adoption of a more robust peace enforcement mandate in the first place.²⁹ In promoting a greater role for non-U.N. actors in carrying out peace operations, the U.N. panel appears to seek some type of third option to ensure a response to protect civilians during ongoing hostilities while simultaneously retreating to more modest peacekeeping mandates.

So could ad hoc coalitions of member states and regional organizations provide the best of both worlds by proactively protecting civilians in the midst of ongoing hostilities *and* preserving the U.N.’s role as an impartial body that can focus on peacekeeping, post-conflict assistance, and humanitarian aid? Through the examples below, this Essay examines whether ad hoc coalitions of member states and regional actors acting as the first responders to conflicts in the past have preserved this aspirational role of the U.N. This Section aims to shed light on whether or not deferring to such actors will increase the U.N.’s conformity with the peacekeeping pillars of consent, impartiality, and nonuse of force, as the U.N. panel hopes. This Section gleans lessons from the interventions of the Economic Community of West African States in Sierra Leone and Liberia, the Southern African Development Community in the DRC, and the ad hoc *Mission Interafricaine de Surveillance des Accords de Bangui* coalition in the Central African Republic.

All of these interventions by ad hoc coalitions and regional organizations present a more nuanced picture of the likelihood of insulating the U.N. from the negative aspects of peace operations. Concerning the goals of remaining impartial and of laying the foundation for all parties to

26. Rep. of the High-Level Indep. Panel, *supra* note 1, para. 125.

27. *Id.*

28. *Id.* para. 126.

29. *See supra* note 16 and accompanying text.

the conflict to consent to U.N. presence, for example, consider the U.N. intervention in Sierra Leone. The Economic Community of West African States played a combat role in the Sierra Leonean war for two years, until the war came to a close with the formation of the Lomé Peace Accord in July 1999 between President Ahmad Kabbah and the Revolutionary United Front (RUF) rebels.³⁰ Nevertheless, all parties to the Sierra Leonean conflict still did not consent to the next phase of peacekeeping and peace-building. In October 1999, the U.N. created the United Nations Mission in Sierra Leone (UNAMSIL), a mission intended to facilitate the implementation of the Lomé peace agreement.³¹ But in “UNAMSIL’s baptism of fire” in May 2000, the RUF killed several U.N. personnel and prevented the deployment of UNAMSIL to the eastern provinces of the country.³² Seeking to use their leverage to weaken the Sierra Leonean state, RUF rebels held 500 U.N. troops hostage, and seized their heavy weapons and vehicles.³³ One account posits that the rebels were “seeking to exploit the vacuum created by the departure of Nigerian [i.e., Economic Community of West African States–affiliated] peacekeepers from Sierra Leone.”³⁴ Although the U.N. refers to UNAMSIL as a success story in peacekeeping, that “may serve as a model for successful” operations,³⁵ the transition from the Economic Community of West African States operation to the U.N. mission in Sierra Leone does not demonstrate a neat picture of first responders paving the way for consent and nonuse of force by U.N. troops. In fact, it was not until 1,200 British troops arrived in Sierra Leone to protect Freetown, provide much-needed back up to UNAMSIL, and arrest the RUF commander that the war came to an end.³⁶

It is true, however, that much of the ambivalence civilians felt toward the Economic Community of West African States and its troops—which

30. See Adekeye Adebajo & David Keen, *Sierra Leone in UNITED NATIONS INTERVENTIONISM, 1991–2004* 246, 257 (Mats Berdal & Spyros Economides eds., 2007). Lomé made the RUF leader, Foday Sankoh, vice-president and gave him the chairmanship of the highly coveted Commission for the Management of Strategic Resources because “there seemed few alternatives left for President Kabbah whose Nigerian protectors [referring to Nigerian troops of ECOWAS] were withdrawing amidst lackluster international support for Sierra Leone.” *Id.* at 257.

31. *Sierra Leone - UNAMSIL - Background*, UNITED NATIONS, <http://www.un.org/en/peacekeeping/missions/past/unamsil/background.html> [<https://perma.cc/Q3RC-WMXP>].

32. See Adebajo & Keen, *supra* note 30, at 261.

33. *Id.* at 261–62. The RUF commander also reportedly referred to the U.N. peacekeepers as “paper tigers.” *Id.* at 262.

34. *Id.* at 261.

35. *Sierra Leone - UNAMSIL - Background*, *supra* note 31.

36. The takeaways from relying the British military, or other well-equipped militaries, are discussed in more detail in Part II, *infra*.

many regarded as heroes who saved their country from ruin, while others saw the peacekeepers as a largely Nigerian army of occupiers³⁷—did not transfer to perceptions of UNAMSIL, which has largely been regarded as successful.³⁸ UNAMSIL was able to “disarm[] and demobilize[] more than 75,000 ex-fighters, including child soldiers. . . . [and] helped organize Sierra Leone’s first ever free and fair presidential and parliamentary elections by providing logistics and public information support.”³⁹ Thus, perhaps regional organizations as first responders do protect the efficacy of later, more modest U.N. peace operations. The proposition that the Economic Community of West African States as the first responder wholly paved the way for the U.N. to come into Sierra Leone on the basis of consent and nonuse of force, however, is not rooted in the history of the initial transition, which was far more volatile and contested.

The experience of the Southern African Development Community in the DRC provides an example of how regional organizations may only marginally increase the perceived impartiality of U.N. peacekeeping forces that arrive after the conflict has come to a formal close through a peace agreement. In response to an invasion from Rwanda and Uganda that they feared would threaten the rule of President Laurent Kabila—who had come to power in a coup against longstanding dictator Mobutu Sese Seko⁴⁰—Zimbabwe, Angola, and Namibia sent their own troops to the DRC in August 1998.⁴¹ After rebels backed informally by Rwanda and Uganda began challenging the Kabila government, Kabila appealed to Southern African Development Community leaders for assistance.⁴² In August 1998,

37. Adebajo & Keen, *supra* note 30, at 255.

38. See Ismail Rashid, *Sierra Leone: The Revolutionary United Front*, in *IMPUNITY: COUNTERING ILLICIT POWER IN WAR AND TRANSITION* 191 (Michelle Hughes & Michael Miklaucic eds., 2016).

39. *Sierra Leone - UNAMSIL - Background*, *supra* note 31.

40. See Thomas W. Lippman, *As Mobutu Topples, U.S. Sees Potential for Similar Problems*, *WASH. POST* (May 18, 1997), <https://www.washingtonpost.com/archive/politics/1997/05/18/as-mobutu-topples-us-sees-potential-for-similar-problems/bceb1cfd-915b-4837-94a3-190dde5727e3/> [https://perma.cc/TX5F-B6VS].

41. KATHARINA P. COLEMAN, *INTERNATIONAL ORGANISATIONS AND PEACE ENFORCEMENT* 116 (2007).

42. Mel McNulty, *From Intervened to Intervenor: Rwanda and Military Intervention in Zaire/DRC in AFRICAN INTERVENTIONIST STATES* 173, 183–84 (Oliver Furley & Roy May eds., 2001). Rwanda and Uganda were largely responsible for bringing Kabila to power just a year prior. *Id.* at 179–82. But they grew disillusioned with the leader due to his “lethargic administration” and his demand for all foreign forces to leave the DRC. *Id.* at 183. Rwanda and Uganda began to create the Congolese Rally for Democracy in August 1998, which included members of Congolese opposition groups, defectors from Kabila’s army, and reinforcements from Rwandan and Ugandan forces. *Id.* at 183–84.

President Robert Mugabe of Zimbabwe announced that the Southern African Development Community would respond to Kabila's requests for military assistance.⁴³ Meanwhile, Rwanda and Uganda stepped up their support of rebels in the eastern part of the country.⁴⁴ In the words of the Assistant Secretary of State Susan Rice, the conflict in the DRC had become the "first African world war."⁴⁵ By 1999, however, the DRC and five regional states signed the Lusaka Ceasefire Agreement to bring the conflict to a close. The Security Council subsequently established the U.N. Organization Mission in the Democratic Republic of the Congo (MONUC).⁴⁶

MONUC arrived in the DRC after the Southern African Development Community intervention, but its experience demonstrates the difficulty of remaining impartial when it must rely on the host government to execute even its modest peacekeeping and post-conflict objectives. When the first MONUC observers arrived in country in November 1999, President Kabila allowed them to travel to the eastern region around Lake Kivu, the hotbed of rebel activity, but barred them from establishing posts in more government-controlled regions.⁴⁷ In response, Emile Ilunga—the chief of the Congolese Rally for Democracy, a rebel group operating around Lake Kivu—declared, "[t]he Lusaka process has been held to ransom by the international community and Laurent Désiré Kabila There is complicity between Kabila and the UN"⁴⁸ Similarly, Joseph Kabila, who took over the presidency after his father was assassinated, promised to "collaborate closely with the UN,"⁴⁹ while increasing arrests of civilian and military citizens of Lake Kivu,⁵⁰ continuing the state's close ties to Zimbabwe,⁵¹ and ultimately

43. COLEMAN, *supra* note 41, at 120–21.

44. *Id.*

45. *Id.* at 121.

46. MONUC Background, UNITED NATIONS, <http://www.un.org/en/peacekeeping/missions/past/monuc/background.shtml> [https://perma.cc/MG5K-22EZ].

47. GÉRARD PRUNIER, AFRICA'S WORLD WAR: CONGO, THE RWANDAN GENOCIDE, AND THE MAKING OF A CONTINENTAL CATASTROPHE 247 (2009) ("When the first MONUC observers were deployed in November 1999, they were theoretically allowed in Goma, Bukavu, Kisangani, Gbadolite, Lisala, Pepa, Isiro, Kabalo, Bunia, Pweto, Bumba, Kalemie, Moba, Kongolo, and Kindu. But they were explicitly barred from Mbandaka, Mbuji-Mayi, Lubumbashi, Kananga, Matadi, and Kamina. This meant that Kinshasa accepted the MONUC deployment on rebel territory but refused it on its own, particularly in the places where it had fighting forces or where it handled military cargo." (citations omitted)).

48. *Id.*

49. PRUNIER, *supra* note 47, at 258 (quoting Joseph Kabila, Democratic Republic of the Congo Interim President, in his Inaugural Address on January 26, 2001).

50. *Id.* at 260.

dragging his feet in allowing MONUC access to government-held sites for disarmament programs.⁵²

The experience of the U.N. in the DRC shows that a regional actor's involvement as first responder does not necessarily pave the way for an impartial, consent-based entrance of the U.N. Rather, the experience of the DRC demonstrates that even after MONUC entered the country, the Congolese government did not want the U.N. scrutinizing its activities. In the face of government recalcitrance, the U.N. faced a difficult choice: either enter DRC with the partial mandate of only assessing regions in rebel control *or* refrain from peacekeeping altogether.⁵³ Ultimately, it appears that the U.N. chose the former. After 1.7 million deaths between August 1998 and April 2000,⁵⁴ the ability to begin U.N. peace operations on the ground appeared to be worth the U.N.'s necessary reliance on the autocratic Kabila regime.

Certainly this account does not imply that the U.N. peacekeeping mission was as partial as it would have been had the U.N. intervened at the outset of hostilities in 1998. The aim of this Section was simply to show that U.N. peacekeeping missions, even when intending only to enforce a peace settlement, can still end up appearing partial in their mandates because of their need to rely on the host government for consent to enter the country and for logistical and other support. Thus, the U.N. panel's proposal to delegate peace enforcement to ad hoc coalitions of member states and regional organizations will likely result in a marginal increase in U.N. impartiality, but will not render U.N. peacekeepers wholly neutral because of their inherent need to rely on the host government.

Furthermore, if the U.N. insists on delegating first responses to outbreaks of war to ad hoc coalitions of member states or regional organizations, then the international community must be willing to accept that such actors often undertake such missions for their own particular political motives, a fact that is in tension with the U.N.'s hope that its later peacekeeping mandate will appear impartial to the host population. Essentially, the U.N. will be delegating to regional entities—that are often

51. *See id.* at 269; *see also* INT'L CRISIS GRP., DISARMAMENT IN THE CONGO: JUMP-STARTING DDRRR TO PREVENT FURTHER WAR 12 (2001) [hereinafter DISARMAMENT IN THE CONGO].

52. DISARMAMENT IN THE CONGO, *supra* note 51, at 13 (“These suspicions were reinforced by the reluctance of the DRC government to provide information on the armed groups to the Joint Military Commission or to MONUC, and its opposition to granting MONUC access to the Kamina camps, where it claimed to have gathered Hutu fighters since April.”); PRUNIER, *supra* note 47, at 269.

53. PRUNIER, *supra* note 47, at 246–49 (describing this predicament and subsequent attempts at U.N. negotiations with the Kabila government).

54. *Id.* at 242.

led by autocrats themselves, like the Southern African Development Community's President Mugabe—that are willing to intervene on behalf of oppressive governments. The U.N. would also be delegating without any semblance of the carrots and sticks that it uses to promote good behavior by the host state when the U.N. intervenes on the host state's behalf. While relying on regional organizations as first responders may preserve some impartiality in the short-term, it is not clear how long a U.N. mission can remain in country without, in practice, bolstering the state government. Indeed, as Peter notes, the U.N.'s peacekeeping mission in the DRC has morphed to support Joseph Kabila's efforts to defeat rebels in the eastern region surrounding Lake Kivu.⁵⁵ This raises the question of whether such a partial result was inevitable, regardless of the identity of the initial responder.

Additionally, the framework that the U.N. panel proposes would be one where “the Security Council should consider other actors . . . as more appropriate first responders,”⁵⁶ which begs the question: How willing is the Security Council to endorse member state actions that are executed partially due to that state's interest in gaining regional influence? Peace operations deplete intervening states' resources and open those states up to criticism should the mission go awry. The international community should expect that a country like Nigeria or Zimbabwe will only volunteer to lead regional interventions if it can justify those interventions to their domestic populations as being in the national self-interest of the country. Zimbabwe may have intervened in the DRC through the Southern African Development Community in large part because of its ambitions to create an alliance between Zimbabwe and the DRC that would provide a counter-balance to South Africa's regional dominance.⁵⁷

Thus, if the Security Council explicitly supports such regional actors by delegating to them in Security Council resolutions, as the U.N. panel suggests, would that not contradict other U.N. principles? According to Peter, “[f]or the entire peacekeeping history, there has been a strong reluctance to deploy peacekeepers to areas where they could be seen as acting as instruments of their own governments' policies.”⁵⁸ The Security Council endorsed neither the Economic Community of West African States'

55. See Peter, *supra* note 2, at 354–55.

56. Rep. of the High-Level Indep. Panel, *supra* note 1, para. 118.

57. COLEMAN, *supra* note 41, at 136 (“This agenda provided the context for Zimbabwe's decision to intervene in the DRC. The DRC could rival South Africa in population and resources, though not in levels of development. After Kabila's ascent to power in 1997, therefore, Zimbabwe hoped for an alliance with the DRC that would help balance South Africa's regional dominance.” (citation omitted)).

58. Peter, *supra* note 2, at 355.

interventions in Sierra Leone or Liberia nor the Southern African Development Community's intervention in the DRC. (In fact, the Security Council urged all foreign powers to refrain from intervening in the DRC.⁵⁹) This may demonstrate that the U.N. is uncomfortable deferring to regional organizations in civil war interventions, because of its hesitation to support either the host state's autocratic regime or the expansionist interests of the intervening state, or both. Of course, under international law, such Security Council authorizations are not *required* for a regional or other actor to intervene on a state's behalf when the host state asks for such intervention.⁶⁰ But ad hoc coalitions of member states and regional organizations may be more prone to respond to peace enforcement needs with the explicit backing of the Security Council under its Chapter VIII powers⁶¹—authorization that the Security Council does not appear prepared to give.

This history indicates that while the U.N. panel appears to be ready to “ruthlessly expose[]”its own shortcomings, including the absence of “fast-deploying and interoperable forces,”⁶² it offers little assurance that the U.N. will be willing to defer to ad hoc coalitions of member states or regional actors in interventions that may be motivated by national interests in exerting regional influence and that may often result in supporting an autocratic government in its quest to enforce peace in response to insurrection by non-state actors.

II. OTHER METRICS OF ANALYSIS: COMMAND AND CONTROL, CONDUCT, AND CAPACITY

Assessing whether or not the international community should move to a model that champions ad hoc coalitions of member states or regional actors requires weighing the marginal costs and marginal benefits of other important metrics of success beyond simply preserving the credibility of the U.N. This Section will examine the proposed change's likelihood of success when examined under the metrics of increased command and control, appropriate conduct in the field (i.e., refraining from human rights violations), and the capacity to bring the conflict to an end.

59. Press Release, Security Council, Council Calls for Peaceful Solution to Conflict in Democratic Republic of Congo, Including Immediate Ceasefire, Withdrawal of Foreign Forces, U.N. Press Release SC/6569 (Aug. 31, 1998).

60. See U.N. Charter art. 2, ¶ 4.

61. *Id.* at arts. 52–54.

62. Rep. of the High-Level Indep. Panel, *supra* note 1, para. 118.

A. Command and Control

The U.N. posits that “other actors will more likely have the comparative advantage in speed and capability, as well as in command and control arrangements necessary to conduct sustained combat operations.”⁶³ The evidence of previous ad hoc coalitions of member states and regional actors engaging in peace enforcement does support the proposition that such missions are executed with increased speed and command and control. For example, the Economic Community of West African States’ peace enforcement operation in Liberia beginning in August 1990, when 3,500 West African soldiers deployed to halt an armed rebellion against President Samuel Doe, came about through swift Nigerian leadership.⁶⁴ Within eight months of Charles Taylor crossing into Liberia to lead an armed rebellion against Doe, the incumbent military leader, Nigeria’s military head of state (and a personal friend of Doe’s) was able to martial Nigerian troops under the auspices of the Economic Community of West African States Ceasefire Monitoring Group (ECOMOG) to intervene.⁶⁵ By October 1990, the ECOMOG troops had taken control of Monrovia, effectively thwarting Taylor’s coup attempt.⁶⁶ (Notably, Nigeria was the largest contributor of troops to ECOMOG around this period, supplying roughly 60 to 80 percent of its forces between 1991 and 1997.⁶⁷) This swift response supports the argument that states and regional organizations, when motivated to do so, can dispatch troops quickly to a volatile conflict zone.

Even ad hoc coalitions can be deployed swiftly. During the 1997 to 1998 intervention in the Central African Republic, the ad hoc *Mission Interafricaine de Surveillance des Accords de Bangui*—composed of Burkina Faso, Chad, Gabon, Mali, Senegal, and Togo and financed by France—was able to enter the country decisively despite its establishment outside the framework of a regional organization. After the situation in the Central African Republic significantly deteriorated in 1996, creating fear that state collapse would exacerbate regional instability, these African countries convened with French support in December 1996 and one month later dispatched an inter-African force.⁶⁸ The French government “transported all six contingents to the [Central African Republic] within

63. Rep. of the High-Level Indep. Panel, *supra* note 1, para. 118.

64. COLEMAN, *supra* note 41, at 73.

65. *Id.* at 75–76.

66. *Id.* at 76.

67. *Id.* at 82–83.

68. ERIC G. BERMAN & KATIE E. SAMS, PEACEKEEPING IN AFRICA: CAPABILITIES AND CULPABILITIES 222–23 (2000).

days,” provided “logistical and tactical support on the ground,” and “paid the total food and daily allowances” of all contingents.⁶⁹ The unified command, unity of language between the troops, and dependence on the French appear to have provided the groundwork for this efficient operation.⁷⁰ Remarkably, the coalition was able to halt the rebellion and recover 96 percent of heavy weapons and 60 percent of light weapons.⁷¹

The Economic Community Of West African States and *Mission interafricaine de surveillance des accords de Bangui* command and control structures are particularly appealing when contrasted with the U.N.’s slow mobilization. Adekeye Adebajo and David Keen describe the U.N. troops that replaced the Economic Community of West African States forces in Sierra Leone as “a motley, multinational army—arriving bit by bit, underfunded and lacking the necessary equipment.”⁷² The U.N. peacekeeping force in one city, for example, contained twenty-seven different nationalities, all lightly armed, and unfamiliar with the terrain.⁷³ In sum, under the metric of command and control, decisive regional and ad hoc coalitions present an attractive alternative to the slow pace of U.N. dispatch and action, thereby supporting the U.N. panel’s proposal.

B. Conduct in Peace Enforcement

The U.N. panel is rightfully concerned about U.N. peace-enforcer conduct when troops are deployed in volatile contexts with weak justice and security structures. The report states,

[t]en years after the United Nations began systematically addressing it, sexual exploitation and abuse in peacekeeping operations are continuing, to the enduring shame of the Organization, its personnel and the countries which provide the peacekeepers who abuse. The deplorable acts of a few must not be allowed to drag down the Organization. . . .⁷⁴

But delegating to ad hoc coalitions of member states or regional actors, as the U.N. panel suggests, may further exacerbate these conduct problems. In 1998, when rebel forces launched a brutal attack in Freetown in which 7,000 people were killed, the Economic Community of West African States soldiers themselves began perpetrating significant abuses against civilians in the city. Some authors note that such indiscipline may have grown out of the

69. *Id.* at 226–27.

70. *See id.* at 225–26.

71. *Id.* at 224.

72. Adebajo & Keen, *supra* note 30, at 261.

73. *Id.*

74. Rep. of the High-Level Indep. Panel, *supra* note 1, at 14.

poor pay and conditions of their troops (pay for Economic Community of West African States troops is generally lower than that paid to U.N. troops) and the troops' perception of Sierra Leonean civilian "ingratitude" for the regional organization's sacrifices.⁷⁵

Additionally, during the Southern African Development Community operation in the DRC, Zimbabwe established business interests to compensate for the enormous expense of the operation. Zimbabwean officials set up a joint venture with counterparts in the DRC to mine diamonds, a deal with the DRC to gain millions of hectares in timber, and a joint venture between Air Zimbabwe and the Congolese national airline for aviation routes across the DRC.⁷⁶ In addition, an elite network of Zimbabwean officials obtained access to diamond, cobalt, copper, and other mineral resource sectors.⁷⁷ In 2002, the U.N. reported:

Although troops of the Zimbabwe Defence Forces have been a major guarantor of the security of the Government of the Democratic Republic of the Congo against regional rivals, its senior officers have enriched themselves from the country's mineral assets under the pretext of arrangements set up to repay Zimbabwe for military services. Now ZDF is establishing new companies and contractual arrangements to defend its economic interests in the longer term should there be a complete withdrawal of ZDF troops.⁷⁸

In Central African Republic, despite the otherwise successful operation described in Part I, the *Mission Inter africaine de Surveillance des Accords de Bangui* ad hoc coalition committed some serious human rights abuses, as the U.S. State Department outlined in its 1997 country report.⁷⁹ With the U.N.'s acknowledgement of its own human rights abuses and retreat from peace enforcement altogether, the international community must ask what leverage the U.N. will have to condemn such breaches of peace-enforcer conduct, and how much weight such condemnation will carry. The human rights concerns arising out of regional interventions are a counterweight to the benefits of increased command and control.

75. Adebajo & Keen, *supra* note 30, at 256.

76. DISARMAMENT IN THE CONGO, *supra* note 51, at 2–3.

77. Rep. of the Panel of Experts on the Illegal Exploitation of Nat. Res. and Other Forms of Wealth of the Dem. Rep. Congo, para. 22, U.N. Doc. S/2002/1146 (Oct. 16, 2002).

78. *Id.* at para. 17.

79. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEP'T OF STATE, CENTRAL AFRICAN REPUBLIC COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1997 (1998), http://www.state.gov/www/global/human_rights/1997_hrp_report/car.html [<https://perma.cc/74BV-5877>].

C. Capacity

A serious drawback of the recommendation to defer robust peace operations to ad hoc coalitions and regional organizations is that states are often unwilling, absent explicit national benefits, to engage in peace enforcement missions in the first place. The U.N. panel acknowledges this issue when it states, “[F]or many crises in the world, those with the greatest capability may have limited interest in deploying a sustained military presence on the ground”⁸⁰ As a result, it states that “the international community has looked to deploy United Nations peacekeeping operations in the midst of conflict as a crisis response tool.”⁸¹ Further, the panel acknowledges that regional and sub-regional entities may “bring interests, some of which carry potential risks to managing conflict impartially” to the peace operation.⁸² The below Section examines case studies to show how the benefits of insulating the U.N. from perceptions of partiality in conflict and of swift and decisive actions by regional actors or ad hoc coalitions of member states may be offset by the price of truncated or unsuccessful missions.

France, for example, quickly grew flustered with the model used in the Central African Republic when it realized that it would be the only Western country bearing such a heavy financial burden (roughly US \$600,000 per month) to sustain the *Mission Interafricaine de Surveillance des Accords de Bangui* mission.⁸³ The French eventually threatened to withdraw, prompting the U.N. to create its own peacekeeping mission, the United Nations Mission in the Central African Republic (MINURCA) to replace the *Mission Interafricaine de Surveillance des Accords de Bangui* in March 1998,⁸⁴ just fourteen months after its initial entry. As another example, British troops only intervened in Sierra Leone after over a decade of brutal warfare, 500,000 Sierra Leonean casualties, and a direct attack on a U.N. mission with the kidnapping of U.N. troops, as described in Part I.⁸⁵ And Nigerian leadership decided to pull out of Sierra Leone in May 1999 due to the mass unpopularity of the campaign within Nigeria’s populace, which no longer wanted to shoulder the burden of US \$1 million per day in funds and hundreds of deaths for the Economic Community of West African States mission.⁸⁶

80. Rep. of the High-Level Indep. Panel, *supra* note 1, para. 108.

81. *Id.*

82. *Id.* para. 55.

83. BERMAN & SAMS, *supra* note 68, at 226–28.

84. *Id.* at 227–28.

85. *See supra* notes 34–40 and accompanying text.

86. Adebajo & Keen, *supra* note 30, at 256–57.

In fact, regional organizations are more susceptible to capacity constraints than the U.N. Unlike the U.N. peacekeeping arrangement whereby countries collectively fund troops, regional organizations rely on their own members states' funds and troops. The Southern African Development Community, for example, has no effective mechanism for promoting financial or military burden-sharing for peace enforcement operations.⁸⁷ During the time of Southern African Development Community's intervention in the DRC and in Lesotho one year later,⁸⁸ the Southern African Development Community's total annual budget was US \$16 million.⁸⁹ South Africa spent US \$4 million in the first ten days of the Community's operation in Lesotho alone.⁹⁰ With member states incurring the high costs of peace enforcement operations, it should be unsurprising that national interests often govern the length of time that states are willing to keep boots on the ground for peace enforcement operations.

CONCLUSION

The recent U.N. panel on Peace Operations report demonstrates a current crisis in peace operations: the lack of legitimate actors to execute peace enforcement missions. Peter lays the groundwork for discussing the alternatives to the U.N. as peace enforcers when she notes that the U.N. and member states must either "align the peacekeeping practice more closely with the doctrine . . . [or] embrace new practices and provide for a new strategic or doctrinal underpinning."⁹¹ The U.N. panel's inclination to protect the U.N.'s credibility by ensuring viable peacekeeping operations that do not exceed the bounds of the U.N.'s capacity is understandable. But the on-the-ground complexities of the current zones of ongoing violence require a choice, whether to (1) deploy a cautious international force, (2) defer to an ad hoc coalition of member states or a regional organization as the first responders, or (3) pursue no peace enforcement operations at all. This Essay has sought to show that the U.N. panel's recommendations must be digested not in the abstract, but rather, with an empirical study of the likely results of deferring to ad hoc coalitions of member states and regional organizations. If the international community chooses this option, it should prepare for fewer peace enforcement operations, of shorter duration, and that will be at times

87. COLEMAN, *supra* note 41, at 169.

88. The Lesotho operation was actually led by South Africa, *id.* at 160, which had opposed the Southern African Development Community incursion into the DRC. *Id.* at 126.

89. *See id.* at 126–27, 169.

90. *Id.* at 169–71.

91. Peter, *supra* note 2, at 366–67.

motivated by regional politicking. While the operations that do occur will be swift and decisive, they will have fewer controls on profiteering and human rights abuses and no guarantees as to the length of the mission.