

FUTURE OF UNITED NATIONS PEACEKEEPING IN THE POST- COLD WAR INTRA-STATE CONFLICTS

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The end of Cold-War has been hailed as the beginning of a new era in international relations and international organisations. The Post-Cold War cooperation among the permanent members of the UN Security Council and the eruption of the conflicting tendencies like civil and ethnic wars, breakup of the state structure and the humanitarian crises have together impelled the United Nations to intervene in these matters of the intra state nature even at the cost of the sovereignty of states. The purpose of this paper is to analyse the problems and prospects of the UN interventions in intra-state conflicts.

In the late 1980s, the developments like fall of Berlin Wall and 'Iron Curtain', disintegration of the USSR and spread of the processes like globalization and transnationalism have a greater impact on the United Nations and its ability to maintain the international peace and security, more especially the disintegration of the USSR which paved a way to the end of cold war.

The end of the Cold War led many to dream about the 'rebirth'¹ of the UN. Sir Brian Urquhart opines – "UN has come to his own."² In the post Cold-War era, the unprecedented degree of agreement among the permanent members of the UN Security Council and the decline in the use of Veto has given rise to an optimism that the UN can now tackle a wide range of problems both through the means of 'Pacific Settlement of Disputes' under Chapter VI and 'Enforcement Action' under the Chapter VIII of the UN Charter.

Post-Cold War Global Changes and Challenges:

The post-Cold War international scenario also registered a significant shift in threats to global peace from "those that have historically been inter-state to ones that involves a primary or significant civil or internal component"³. This shift in the nature of threats to the global peace to a great extent can be attributed to the following developments which took place in the post-Cold War international scenario-

- **The withdrawal of Super Powers support from their client states and proxies**, which for most of the fifty years, since the end of the World War II, seemed to contain many deep ethnic, religious and cultural tensions⁴, unleashed many continuous issues like ethnicity, religious fundamentalism and linguistic chauvinism challenging the state authority from within.
- **The growing pace of globalization and economic liberalization**, a remarkable development of early 1990s, at one level, has given an impetus to a shift from geo-political to geo-strategy to geo-economics⁵. On the other level, it has also generated higher expectations and demands among the masses. The inability of state or governments and lack of governance has contributed towards the generation of fragment tendencies leading to the fracturing of states into smaller entities.
- **The notion of "nation-state" is also gone through a period of structural adjustments**⁶ in the post-Cold War era. It is adjusting not only to the end of Cold War but also to the increasing globalization of world ultimately leading to the creation of a borderless state.
- **The end of Cold War has also played "a significant role in the process of state weakening** with super power client states no longer enjoying privileged access to external source of support"⁷. As a result, few states collapsed outright, many have experienced a contradiction in their capabilities.

- **The concept of human security has gained a remarkable importance in postCold War era** which has no concern with weapons but human life and dignity with well being of the earth survival”⁸. Today famine, diseases, pollution, drug trafficking, terrorism, ethnic disputes and social integration are no longer isolated events that are confined within national borders. Therefore, whenever, the security of people is endangered anywhere in the world, all nations are likely to get involved.

Implications for the United Nations:

In the post-cold war era above discussed developments led to the emergence of the conflicting tendencies like civil wars, ethnic conflicts, and humanitarian crises and to the breakup or weakening of state structures. These conflicting tendencies though mostly intra-state by nature, have not only threatened the peace and stability of the ‘plagued nations’⁹ from within but in the view of growing interdependence and trans-nationalism, these are also affecting the neighboring states which threatened by instability, economic dislocation, huge refugees flow or environmental degradation, may demand for international action.

The UN Charter rules out the intervention in the domestic affairs of the member states. It says, that all members “shall refrain” 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”¹¹. Further, “nothing contained in the present Charter shall authorized the United Nations to intervene jurisdiction of any state”¹².

But, despite the Charter’s restriction, the UN could not remain indifferent to these ‘global concerns’ of the post-cold war era. The UN intervention in intra-state conflicts is guided by the following facts¹³-

- The international community is now increasingly accepting the burden of being its brother’s keeper
- The spread of the global media, especially the electronic media ‘the CNN factor’ having greater impact on public opinion, has led to a great public demand for action.

Since the collective security arrangements seemed inappropriate to deal with ‘complex emergencies’ of the post-cold war period, the UN, lacking an alternate international security mechanism, found in the instrumentality of peacekeeping “something it could do”.

Peacekeeping is ‘constructive innovation’¹⁴ of the United Nations, having birth in its operational experiences rather than in its theoretical text. It was born out of necessity as a response to the failure if the United Nations to implement the provisions of collective security provided in its charter.

As soon as the United Nations proceeded with its functioning, it became a victim of Cold War politics. Therefore, the great powers harmony the very basis on which the founding father of the UN charter has built their scheme of Collective Security proved nothing ‘but a myths’¹⁵ and the UN Security Council, the security arm of the UN, remained for the most of its time paralyzed during the cold war.

Peacekeeping is a non-coercive instrument of conflict control and implies "prevention, moderation and containment of hostilities between or within state through the medium of third party intervention, organized and directed internationally, using multi-national military, police and civilian personnel to restore and maintain peace"¹⁶. Thus, peacekeeping entails the deployment of multi-national forces not to prosecute war but to bring about the peace.

Beginning its journey with deployment of UN Emergency Force (1956) in Egypt, UN peacekeeping served its purpose well for many years and as a result, a body of doctrine has been avoided to guide where these 'blue berets' should go to help bring about peace. The consent of the parties concerned with the disputes, 'impartiality' and 'non-use of force' by UN peacekeepers have become the watchwords (Principles) of the peace keeping¹⁷. For most of its history during the Cold War, UN peacekeepers have been deployed in inter-state conflicts with a mandate to observe a ceasefire and monitor the buffer zones between the formerly warring states.

UN peacekeeping in Post-Cold War Complex Emergencies:

The changing nature of threats to global peace and being deployed to bring about the peace has necessitated a need for the UN peacekeeping to enter upon with 'a new face'. The involvement of UN peacekeeping in the post-cold war intra-state conflicts can be studied under the following heads:-

(i) UN peacekeeping in Civil Wars and Ethnic Conflicts:

In the post-cold war era, the UN is facing a permanent entanglement in the conflicts over territory, resources and political control within the boundaries of states.¹⁹ On many occasions these conflicts have acquired civil and ethnic war dimensions and posed a serious threat to human life and dignity. Civil War, the most difficult contingency that UN peace keeping has handled in the post-cold war period²⁰, represents "a state of conflict with in society resulting from an attempt to seize or maintain power and symbols of legitimacy by external measures..."²¹. In civil wars several groups operate in different parts of country in such a way, where it may be impossible to demarcate a line or area that separates the many sides in the conflict.²² In a civil war, apart from the political aspect, military, economic, social, religious, ethnic and other considerations are often exist in a blend.²³ A civil war may result from many factors like weakening of powers of states, collapsing economies, spread of small arms and light weapons and natural disaster operating simultaneously on the scene.

Sometimes, civil wars may acquire ethnic dimensions either to maintain or wish to initiate separate ethnic group identity. But, viewing ethnic conflict solely through the lens of ethnicity or group identity might lead to distortion. Infact, more prosaic factors like access to political, economic, social or cultural resources lie behind the origin of these conflict.²⁴

The civil war has often produced higher casualties even at higher rates than inter-state wars²⁵ involving internal displacement and deliberate attack by warring factions on civilians. In some cases, poorly equipped and led militia finds it more convenient and safer to attack on civilians rather than armed soldiers. In some other cases, civilians were targeted as a deliberate policy of genocide or ethnic cleansing. This has resulted in large scales refugee movement, starvation, murders and mass rapes etc.²⁶ Similarly, ethnic conflicts may include a wide range of violence ranging from hate speech and protest to systematic mass rapes, ethnic cleansing, starvation by siege and terrorization of one clan by others etc. The focus of ethnic conflict is often a people and a culture than an army, state or ideology²⁷. It has happened in Rwanda, East Timor and former Yugoslavia in varying degree.

Despite the Charter's restrictions, the challenges posed by civil wars and ethnic conflicts to human life and dignity and to the international peace and security have impelled the UN to intervene in these crises with an assumption that "it would not help to preserve settlement arrived at between sovereign nations, it would also more strongly intervene to bring peace between nations and more often... within nations"²⁸ The frequency of such UN interventions have increased since the end of cold war period where the UN has to deal with virtually every aspects of human life.²⁹

In civil wars and ethnic conflicts, the UN peacekeepers are expected to perform the functions like disarmament of military and para-military forces (Cambodia, Somalia and El Salvador) mine clearance, training and mine awareness (Afganistan, Cambodia), humanitarian assistance and securing safe conditions for its delivery (Somalia, Bosnia Herzegovina) etc.³⁰

As a result of such an intensive involvement of UN peacekeepers, the established pillars of UN peacekeeping-consent of the parties concerned, impartiality and non-use of force by the UN peacekeepers are often on the verge of erosion and no longer remained the hallmark of the UN peace operations.³¹ The peacekeepers are now being deployed in such an environment "where consent is forfeited, impartiality is forgone and force is being used other than in self-defense."³² As a result the distinction, in such situations, between peacekeeping and enforcement action is being increasingly blurred.³³

(ii) UN Peacekeeping in Humanitarian Crises:

The Post-cold war international scenario also witnessed an explosion in humanitarian crises- a state of human suffering arising out of conflict or calamity³⁴. Factors like poverty, famine. Population explosion, natural calamities, diseases, social disintegration and sometimes manmade disaster may be attributed to the emergence of such crises. Jan Eliason³⁵, calling the attention of world community towards this explosion, attributed following reasons for the proliferation of these crises in post-cold war era:

First, The end of Cold War has allowed the hostilities, previously muffled by the dynamics of super powers policies to resurface;

Second, the existence of serious political and non-political divisions and the exploitation occurring within the state provided a fertile ground for such crises;

Third, the increasing democratization and in some cases, stimulating antagonism have led to such crises.

The explosion of such crises, combined with the pressure for intervention because of the 'CNN factor' and increasing attention towards 'human security' in the international circle demanded the UN to intervene urgently. In December 1991, UN General Assembly passed a resolution to establish "**The Department of Humanitarian Affairs**" at the UN in which governments committed to responsibilities for the welfare of their populations³⁶.

The decision of the UN to mount a peacekeeping operation in such a humanitarian crises has been very complicated; since in civil war like situations, it is quite hard to get the underlying acceptance of all parties to the conflict.³⁷

This condition has often led the UN to face with an unwelcoming dilemma- not intervene militarily and leave the humanitarians to contribute their work at great risk or intervene at the risk of being drawn into conflict". This crunch came in 1992 in the Somalia and former Yugoslavia, where solution was adopted to dispatch peacekeeping missions but to take a major part of their mandate for the support of humanitarian assistance".³⁸

The complex situations in which UN peacekeepers carry out humanitarians assistance often bring some awkward complications for them. For Example, impartiality - helping victims on all sides and behaving even-handedly towards all parties - is particularly critical for humanitarian relief personnel could be restricted³⁹. During the humanitarian intervention, the UN peace forces, sometimes, are to resort is the forces other than in self-defense because they may need safeguard humanitarian assistance from the local looters.⁴⁰

UN Peacekeeping in 'Failed States'

A '**Failed State**' has been described as "incapable of sustaining itself as a member of international community, state discarded into violence and anarchy - imperiling their own citizens and threatening their neighboring states through the refugee flows, political instability and random warfare."⁴¹ It is also characterized by circumstances where normal institutions of a state are near to collapse or have collapsed and a state anarchy exist. Jasjit Singh is of the view that in most cases "this has resulted from prolonged Cold War tensions/conflicts, especially in the regions and territories where statehood was fragile to start with, as in most of formal colonial territories followed or accompanied by civil wars and possibly also including protracted natural disaster like famines."⁴²

This progressive erosion of state institutions pose a serious challenge before the international community as how to deal with a failing or 'imploded state", "where the local authority has substantively disappeared, is contested or has totally collapsed"⁴³. Since there is no international guideline dealing with such situations, the attempts so far have been concentrated on humanitarian assistance and expansion of peacekeeping role. As a result, the UN peacekeepers has assumed a role of government akin⁴⁴ and have been increasingly involved in assisting and for even exercising certain governmental functions in the 'failed

states." This has happened in varying degree in El-Salvador, Cambodia, Somalia and former Yugoslavia, where UN peacekeepers have been involved in humanitarian activities and human right monitoring, maintenance of law and order, demining infrastructural projects, electoral assistance and institution building etc.

However, in such situations, it has been very difficult for the UN peacekeepers to get the consent and cooperation - a basic pre-requisite for a successful peacekeeping operation of the parties concerned, because there may be no identifiable parties to any internal conflict. More often than not, the number of parties claiming rights is numerous with debatable authority.⁴⁵

Thus the post-cold war UN peacekeeping or so called "second generation" peacekeeping has exempted its roles of monitoring and implementation of cease fire agreement to that entire range of activities including supervision and running elections, upholding human rights, overseeing land reforms, delivering humanitarian aids under fire, rebuilding failed states and even ambitious attempts to impose peace on hostile parties determined to keep fighting.

In immediate aftermath of the end of cold war, the 'second generation' peacekeeping generated an "exuberating optimism about future prospects as it had achieved a string of success in mediating a series of agreements"⁴⁶ that paved the way for the withdrawal of Soviet troops from Afghanistan, ending civil war in El-Salvador, preparing ground for Namibia's independence and establishing a broad based condition government in Cambodia. But this optimism shattered very soon as the peacekeeping missions deployed in Somalia, Former Yugoslavia, Rwanda and Haiti have not only failed in triggering the lasting peace but their continued involvement with more extended and intense form, reached at a junction where it seems to reserve the principles of consent of parties impartiality, and non-use of force that had been carefully developed during the cold war era.

As a result, many voices against the UN intervention in intra-state conflicts started coming up. Stephen J. Stedman comments that UN has "lost its direction concerning peace-keeping and intervention in civil wars"⁴⁷. Professor Anton Bebler, argues that UN peacekeeping has been insufficiently related to the central function of peacekeeping, conflict resolution and conflict prevention... If the yardstick of conflict resolution is used, United Nations peace operations have been relatively ineffective."⁴⁸ These are not isolated examples of despair but editorials and commentaries as well as articles published in journals have expressed concern about the loss of UN credibility⁴⁹. The New York Times writes. "UN peacekeeping does what it can do very well. It makes no sense to continue eroding its credibility by asking it to do what it can not."⁵⁰

The critics point out that UN peacekeeping does not lead to the resolution of conflicts and tends to prolong them further. They also criticize the 'use of force' in operations deployed in Somalia and former Yugoslavia which produced large scale casualties and escalated the costs, leading to increased reluctance on the part of member states to send their forces in such 'no-war situations' and bear the burden of peacekeeping operations. Consequently the voices using the UN to go back to basics' started coming up.

However, the advocates of UN peacekeeping have different opinions altogether. Shashi Tharoor argues that there is no need to go back to basics since UN peacekeeping has "already moved successfully beyond to its basics"⁵¹ which is clearly evident in the success of the operations launched in Namibia, El-Salvador and Cambodia in early 1990s. But, he adds that "for peacekeeping to remain effective in changing world, its credibility must not be jeopardized by its application in inappropriate situations, by the issuance of mandate unsupported by doctrinal consistency or military means or by undermining its authority by attempts to reconcile peacekeeping with war zones under the rubric of peace enforcement."⁵²

Arun Kumar Banerji also furthers similar news for him, "UN can not be expected to resolve intractable conflicts within nation-states, it has neither means nor mandate for doing same."⁵³ But, he says further, it does not mean abandoning the UN's role in peacekeeping but that role should be that of 'good cop'

strictly neutral and non-coercive and with the consent of the parties concerned with the conflict.⁵⁴

There is another group of scholars which supports the limited forcible intervention of the UN in intra-state conflicts, especially in view of the large scale human sufferings involved in such conflicts. To quote M.W.Doyle, "Limited forcible interventions for humanitarian purposes remains a viable and often necessary task...."⁵⁵ The UN Secretary General Kofi Annan also favours the UN peacekeeping operations to have forcible nature. He says, "Today conflicts in Somalia and Bosnia have fundamentally redrawn the parameters. It is no longer enough to implement agreement or separate antagonists, the international community now wants the UN to demarcate boundaries, control and eliminate heavy weapons quell anarchy and guarantee the humanitarian aid in WarZones. These are clearly the tasks that call for teeth and muscles' in addition to less tangible qualities that we have sought in the past."⁵⁶

Although, the forcible intervention of the UN in domestic conflicts may be viewed as the violation of state sovereignty. Yet, as former Secretary General Perez de Cueller says, "the principle of non-interference with the essential domestic jurisdiction of states can not be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity."⁵⁷ He further adds, "What is involved is not the right of intervention but the collective obligation of states to bring relief and redress in human rights emergencies. Present Secretary General of UN, Kofi A. Annan also shares similar views. He says, "State sovereignty, in most basic sense, is being redefined by the forces of globalization and international cooperation.... These developments demand from us a willingness to think a new about how the UN should respond to political, human right and humanitarian crises affecting so much to the world."⁵⁹

Thus, the future of UN intervention in intra-state conflicts lies somewhere between the extreme of forcible intervention and absolute respect for state sovereignty. However, the United Nations, Especially when it is dealing with intra-state conflicts, will have make a sober and realistic assessment of what is possible in a particular situation and how it can be achieved. In other words, The UN must avoid seeking resort to peace operations as its normal response i.e. UN must know where to say no.

Although, today UN peacekeeping is in the state of flux: yet it still possesses the potential to serve as a useful instrument of the UN intervention in intra-state conflicts provided there is a conceptual clarity financial resources and above all a potential support from the international community.

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