

THE PROBLEM OF THE POLITICIZATION OF PEACEKEEPING MISSIONS BY THE SECURITY COUNCIL, ORIGIN AND PROSPECTS FOR SOLUTIONS.

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Abstract -In this article, the author starts from the criticism of what he called the politicization of peacekeeping operations by the Security Council, namely, an orientation of missions no longer according to the needs on the ground but rather according to the interest of the great powers of the council which leads to consequences including blockages. The author believes that such a state of affairs has its origins in the errors committed in the first years of the creation of peace missions, in particular the paradoxical practice which consisted, from 1962, of attributing exclusive competence for the launching of peace missions. peacekeeping at the Security Council while the work of creating these missions was that of the General Assembly and the United Nations Secretariat at the time as a means of circumventing the paralysis of the Security Council following the Cold War, hence the principles of impartiality, non-use of force and consent which govern these missions. By relying therefore on the historical circumstances of the creation of these missions, certain legal bases, the principles and the criteria for success of peace missions valid today, the author aims to demonstrate that an intervention of the general assembly in peace missions, in addition to being possible and legal, would be a prospect of a solution to this so-called problem of politicization, particularly due to the Security Council.

Key words: peacekeeping, security council, general assembly, secretary general, cold war, historical circumstances, legal bases, operating criteria, success criteria:

INTRODUCTION :

Of all the responsibilities of the UN, peacekeeping is among the best known and most requested. This special place given to it can be justified on several grounds, in particular because of its principle. Indeed, it involves almost all the actors in international society for the resolution of a conflict¹. Such an approach is particularly advantageous in terms of the cost of operations, efficiency and the search for diplomatic solutions to conflicts. Its effectiveness, which earned it the Nobel Peace Prize in 1988. The other main characteristic is the wide range of missions that it can accomplish. In this respect, we note the execution of missions such as simple military surveillance, including demobilization, disarmament and reintegration (DDR) missions and up to territorial administration missions². However, from the beginning of the 2000s, the enthusiasm around peacekeeping missions took a hit due to a succession of failures, which led to numerous criticisms and even the rejection of peacekeepers. The scale of this movement will require numerous evaluation initiatives in order to detect the problem and find solutions. the Brahimi report named after the head of the expert group that developed it (<https://peacekeeping.un.org/en/brahimi-report-0>), the Santos Cruz report named after the Brazilian army general having initiated (<https://unric.org/fr/carlos-alberto-dos-santos-cruz/>), the new horizon agenda (https://peacekeeping.un.org/sites/default/files/newhorizon_update01_0.pdf) and more recently Action for Peace (<https://peacekeeping.un.org/en/action-for-peacekeeping-a4p>), are all reports

¹<https://peacekeeping.un.org/fr/what-is-peacekeeping>

²From 1999, it has been charged with the administration of the territories of Kosovo in the former Yugoslavia — United Nations Interim Administration Mission in Kosovo (UNMIK), and East Timor (now Timor-Leste) — United Nations Transitional Administration in East Timor (UNTAET), which had begun the process of gaining independence from Indonesia.

aimed at diagnosing the root causes of these failures and proposing solutions. Among the problems noted is the influence of the Security Council on the smooth running of missions, what we have chosen to call the politicization of peacekeeping operations by the Security Council (<https://peacekeeping.un.org/fr/reforming-peacekeeping>) which will also attract our attention in the context of this work.

I-Manifestations of the problem of politicization of peacekeeping missions

The Security Council, as the UN body responsible for ensuring security in the world, has had the mission since 1962, within the framework of peacekeeping, to initiate, extend and terminate various missions. It is also he who develops the mandates of the various missions. Regarding the exercise of these skills, criticism is usually raised that the members of this council put their interests forward to the detriment of the real search for solutions to the differences plaguing the international scene. This trend has increased over the past decade with increasing divisions within the members of the security council. It manifests itself in several aspects and in several ways. Concerning the resources to be allocated to the different missions, careful observation reveals that the contributing States are generally States having an interest in the outcome of the conflict³. In addition, they tend to impose their vision of the outcome of the conflict⁴. There is therefore a problem of coordination and influence of the mission which are causes of their weakening and failure⁵. The most obvious case is the decision of American President Donald Trump to limit the participation of the United States in the peacekeeping budget⁶.

We also note the problem of the disproportionate expansion of the mandates of peacekeeping missions and the transformation of peacekeeping missions into peace enforcement missions by the Security Council⁷. Another problem is that of the difference in responsibility between the security council and the forces of the States engaged on the ground. This situation creates tensions at the command level and delegitimizes the security council in making certain decisions. (Blue Helmets: Peacekeeping Operations and Responsibilities)

Finally, we note the lack of consensus between the members of the Security Council for sending missions to the field, which results in the paralysis of the peacekeeping operations mechanism.

II-Some fundamental causes of the problem

In principle, peacekeeping is subject to the influence of the States participating in it and especially of the Security Council. Indeed, the members who constitute this council are the victors of the Second World War. Therefore, they are considered the most powerful states on the planet at least at that time. Legally, they have the right of veto which is an absolute right allowing them to block any measures taken within the security council. It is therefore quite natural that they can influence the course of peacekeeping missions, whether by blocking missions or by only initiating missions in their own interest. On the other hand, a return to the history of peacekeeping reveals that the creation of peacekeeping missions is the work of practice, notably the initiative of the Secretary General and the General Assembly of United Nations⁸. The security council was even against these proposals as illustrated the mission called United Nations Territorial Surveillance Organization (UNTSO), which was an idea of the Secretary General of the time, Trygve Lie⁹ who then proposed the establishment of a guard of 300 people on active duty and 500 others kept in reserve. The proposal was rejected by the security council but validated by the general assembly. The same goes for the very first intervention mission, the United Nations Emergency

³<https://reliefweb.int/report..>

⁴The terms of the engagement are fixed through SOFA, Memorandum of understanding, rules of engagement and command directives

⁵Mark the Pope. <https://www.cairn.info/crises-extremes--9782707149800-page-103.htm>,
<https://www.cairn.info/revue-politique-etrangere-2013-3-page-65.htm>

⁶<https://cedricdeconing.net/2021/03/06/the-future-of-un-peace-operations-principled-adaptation-through-phases-of-contraction-moderation-and-renewal>

⁷<https://reliefweb.int/report/afghanistan/le-conseil-de-securite>

⁸<https://www.erudit.org/fr/revues/rqdi/2021-rqdi06868/1087381ar/>

⁹Norwegian diplomat and politician. He was the first secretary general of the United Nations

Force (UNEF)¹⁰ launched in 1956, which saw the birth of the principles of peacekeeping operations also known as the holy trinity non-intervention, consent, non-use of force this always with the aim of avoiding an encroachment on the competence of the security council. Thus, in a context where relations between the members of the Security Council since the aftermath of the Second World War have always been characterized by strong rivalries, notably between the Eastern Bloc supported by Russia and the Eastern Bloc. West supported by the United States and where the invention of peacekeeping operations therefore aimed to overcome this blockage, it is therefore incomprehensible to see that the practice has rather made this council the main driving force of peacekeeping operations. the peace.

III-Prospects for solutions and legal motivations

Indeed, the founding charter of the United Nations does not have any provision relating to the maintenance of peace, much less with regard to the attribution of such competence to the Security Council¹¹. Which is the complete opposite of the general assembly. Indeed in 1950, the general assembly adopted resolution 377 (5) also called "union for the maintenance of peace" or Acheson Resolution¹². The resolution is as follows: "in any case where there appears to be a threat to the peace, a breach of the peace or an act of aggression and where, due to the fact that unanimity has not been achieved among its permanent members, the Security Council fails to discharge its primary responsibility for the maintenance of international peace and security, the General Assembly shall immediately consider the matter with a view to making appropriate recommendations to Members on collective measures to be taken...". The International Court of Justice had to specify the contours¹³ of its use which correspond perfectly to the maintenance of peace. This resolution also served as a legal basis for the UNGA for the development of a peacekeeping mission, in this case the FONU, in 1956, which still marks a higher degree of legitimacy and legality compared to the missions launched by the Security Council which are always developed on the basis of legal sources of borrowing¹⁴

On the other hand, the support of the security council as mentioned in the capstone doctrine¹⁵ is not in reality a determining criterion for the success of a mission this for several reasons, namely: the context of new conflicts in which the belligerents do not respect the established order, the principle of the free consent of States to peacekeeping missions which in principle makes the support or otherwise of the Security Council useless and finally the current context in which the security council is losing credibility¹⁶. Conversely, the principles of peacekeeping success¹⁷ just like the principles of peacekeeping peace, namely consent, non-use of force and impartiality¹⁸ accommodates very well the action of the UNGS. In such a context, the action of the UNGS as a solution to this problem of politicization of peacekeeping operations appears entirely relevant.

¹⁰This is a mission which aimed to put an end to the presence of two powers in the Security Council, France and the United Kingdom, in the Suez Canal

¹¹See chapters 6 and 7 and 8 of the United Nations Charter on the powers of the Security Council)

¹²Named after the American Secretary of State who persuaded the General Assembly to claim subsidiary responsibility for international peace and security, as set out in Article 14 of the United Nations Charter, in a context where the USSR blocked all measures and security council resolutions taken against North Korea then in full invasion of its southern neighbor

¹³Use in the event of a blockage by the Security Council and for non-binding measures

¹⁴Peace missions are deployed on the basis of Article 6 Article 7 of the Charter of the United Nations yet nowhere in these articles is there does not include provisions relating to the maintenance of peace

¹⁵chap 4: 4.2 Key lessons for planners and decisions makers

¹⁶The members of the security council are involved in conflicts of interest where they themselves are directly responsible for insecurity

¹⁷3.2 Other Success Factors chap 3 capstone doctrine see UNEF Missions regarding the creation of the basic criteria for peacekeeping missions

¹⁸3.1 Applying the Basic Principles of United Nations Peacekeeping ChapIII capstone doctrine

CONCLUSION

The study of the history of the creation of peacekeeping operations thus highlights the paradox that constitutes the function of the security council in these operations and helps to better understand the origin of certain problems they face. Without wanting to completely exclude the security council from these missions, the interest of this work aims to recall the place and responsibility that the UNGA has in these missions and consequently the role that it can play to limit as much as possible that the powers of the Security Council completely discredit peacekeeping missions. Relative to the implementation of the role of the general assembly, the above developments also allow us to see that these should not in principle pose a problem or else request specific reform with regard to the existence of the resolution Archeson but also the essentially practical nature of OMPs. It will therefore simply be up to the UNGA, following its awareness, to act accordingly..

ACKNOWLEDGMENT

My sincere gratitude to my supervisor Dr bisultanovaslanbeckkamalarevich, my mother Dr Nangucharlette and my younger brother Djoufack ngoma chris for their intellectual, moral and financial support.

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