

A NEW PATH IN PEACEKEEPING OPERATIONS? LESSONS FROM THE “EXPERIMENT” IN MINUSMA

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INTRODUCTION

Peacekeeping Operations are mechanisms adopted by the UN to maintain peace and security in conflict torn countries. The fact that these operations have undergone changes is due to three major factorsⁱ the permanent members push towards countering terrorism, the experiences gained by them in countering insurgency in Afghanistan and by the fact that the troops are being contributed by the regional governments who happen to have their vested interests on the forefront. These changing dynamics necessitates an overhaul of the existing peacekeeping practices. For instance, the capability of the forces to tackle the non-state actors, both in terms of equipment's and strategies. Thus, one sees a paradigm shift in these operations- from the use of traditional peacekeeping methods during the post conflict period to the use of robust use of force during the conflict period. This shift started from MINUSTAH. These conceptual changes have their impact on the effectiveness of the mandate and its sustainability.

The Multidimensional Integrated Mission in Mali (MINUSMA) is deemed to be one of the deadliest missions.ⁱⁱ This mission is unique in the sense that it is deployed not only in the midst of an ongoing conflict but also in the midst of a counter terrorism operation led by the French (Operation Barkhane).

This paper will seek to analyse the changing trends in the Peacekeeping Operations, their impact on the effectiveness of the mandate and sustainability in the light of MINUSMA. The first part of the paper briefly deals with the concept of counter terrorism. Although a widely used word counter terrorism still remains a contested concept and an attempt is made to highlight the key features of the term. The second part of the paper deals with the changing nature of peacekeeping operations i.e. stabilization mission and its impact on the capstone

doctrine and the effect the counter terrorism operations on these peacekeeping operations is briefly discussed. The third part of the paper makes specific reference to Mali and analyses the aspersions the stabilization missions and counter terrorism operations have cast on the United Nations Organisation. Recommendations are made to the existing peacekeeping practices in the midst of changing conflict dynamics are highlighted.

CONCEPT OF COUNTER TERRORISM

The notion of terrorism and the efforts to draw up counter terrorism strategies are not new. They date back as early as 1930. Despite the efforts made at the international level in 1996ⁱⁱⁱ and 2005^{iv}, there has been no consensus^v as to the definition of terrorism and violent terrorism. However as of yet, the definition proposed by Alex Schmid in 2011^{vi} is considered as comprehensive and nodal in defining the term. He points out the following 12 factors: “(1) Terrorism refers to a tactic of fear generating or coercive political violence or a conspirational practice targeting mainly civilians or non-combatants; (2) It is mainly employed where there is illegal state repression, agitation by non-state actors outside the zone of conflict, generally which are propagandistic in nature; (3) The violence involved are either single, double or multi-phased acts;(4) The victimization are usually initiated by threats; (5) The main intent of such an act is to instil fear or panic; (6) The direct victims are generally not the ultimate targets as opposed to acts like assassination, but instead they serve as a general message intended for the mass audience; (7) The direct victims are usually civilians and not armed combatants; (8) The source of such acts may be carried out by a single person, a group or a transnational network; (9) There are generally motivated by the impact of politics on the society; (10) The immediate intent of initiating such acts is to instil fear resulting in a chance of favourable outcome; (11) The motivation to engage in such acts are multi varied ranging from religiously inspired to personal reasons or even national liberation; (12) The acts generally form a part of a campaign and creates a climate of fear to manipulate the political process.”

The efforts to tackle such violence have evolved drastically over the past decade. The resolution adopted by the General Assembly in 2004^{vii}, imposes an obligation on the state to take counter terrorism measures within the ambit of international laws especially human rights, humanitarian and refugee laws. The UN Security council, in the aftermath of the 9/11 attacks

adopted Resolution 1373 to prevent and effectively counter such attacks and also established the Counter-Terrorism Committee (CTC) which acted as a compliance organisation.

INTERPLAY BETWEEN PEACEKEEPING OPERATIONS AND COUNTER TERRORISM

The ‘Global war on Terror’ which was introduced by President Bush proved to be controversial. Thus in 2005, a conceptual change was made from ‘global war on terror’ to ‘Struggle against violent extremism’. At this juncture it becomes too imperative to understand the conceptual difference in the usage of the term ‘terrorism’ and ‘violent extremism’. Although belonging to the same genus, the difference lies in the fact that the term terrorist often ascribes an illegitimate character to the organisation/ individual and violent extremism does not ascribe such illegitimacy.^{viii} The UN Global Counter terrorism Strategy adopted in 2006^{ix}, expressed four pillars that are to be adopted. Firstly, tackling conditions conducive to terrorism; secondly, prevention and combating terrorism; thirdly capacity building for the countries and to strengthen the role of United Nations and lastly, ensuring human rights compliance when dealing with terrorism. John Karlsrud argues that the reason for inclusion of the concept of counter terrorism in peacekeeping operations is to reach a wider goal by engaging various UN actors^x and thus bringing them within the ambit of the above mentioned four pillars. The UN Secretary General in his Plan of Action to Prevent Violent Extremism^{xi} had pointed out that UN peacekeeping missions to be an effective tool to tackle the problem of “terrorism”. Often, they are required to use force to implement the mandates and have become more robust in terms of both mandates and practice. At this juncture it becomes imperative to delve into the concept of Stabilization missions and its implications on the use of force and theory of impartiality that the peacekeeping operations are based on. Finally, the impact of counter terrorism mandates in peacekeeping operations is discussed.

Defining Stabilization mission

Over the years there has been monumental change in the way UN peace operations are mandated. Initially, these operations were deployed in post conflict situations. Whereas since 2015, they are being deployed in conflict zones.^{xii} Subsequently they have been vested with robust mandates i.e. where the use of force is warranted for achieving the mandate.^{xiii} Since its

inception in 2005 (MINUSTAH), they have been included in the missions to DRC, Mali and CAR.^{xiv} The term ‘stabilization’ has not yet been clearly defined by the UN. The High-Level Independent Panel on Peace Operations in 2005 had highlighted the need for defining the term ‘stabilization’.^{xv} An important implication of not bringing about a consensus in defining the term ‘stabilization’, is that it creates room for legal, technical and logistical issues which hinders the mission’s effectiveness. Furthermore, it is plausible that the Troop Contributing Countries (hereinafter referred to as TCC) is of the opinion that stabilization missions are robust and the TCCs are apprehensive to deploy their forces to areas which could pose them significant risk and even if they deploy they often come with certain reservations.^{xvi} However in an effort to define the term stabilization, the Stimson Centre through its report^{xvii} had conducted a comparative analysis of MINUSTAH, MINUSMA, MONUSCO and MINUSCA and had identified a “common pattern” in the mandates i.e. to assist the host state government to reclaim territory controlled by armed non-state actors that have been deemed politically illegitimate by the UN member states, the host state or/and parties to the peace agreement^{xviii}, establishing rule of law and use of force to protect either civilians or those who they are mandated to protect.^{xix}

Implications of UN Stabilization missions

The capstone doctrine^{xx} enunciates that a UN peacekeeping mission is to be characterized by its consent, impartiality and the use of force in self-defence or the defence of the mandate. However, with the shift from traditional peacekeeping to stabilization missions, and the lack of a clear definition as to what constitutes “stabilization mission” leaves a vacuum. It has often been opined by academics that such missions have the risk of making UN a party to the conflict and ultimately makes it ineffective in bringing out peace.

Theory of impartiality and UN stabilization missions

One of the corner stones of UN Peacekeeping missions is the theory of impartiality i.e. they do not assume the role of ‘party to the conflict’ either directly or by favouring the parties to the conflict. The *raison d’être* of this theory is to maintain the consent and cooperation of the parties. Although such must not be misconstrued as neutrality or passivity.^{xxi}

The UN stabilization missions, as mentioned above, as a part of their mandate generally assist the government in (re)establishing the rule of law. The contemporary peacekeeping operations

have evolved beyond the original scope of “peace keeping”.^{xxii} The concern over the implication of UN Stabilization missions on the theory of impartiality has been raised by many academics. De Coning^{xxiii}, Alex.J.Bellamy and Charles Hunt^{xxiv} opine that a stabilization mission is inherently partial as it assists the host state government to tackle the armed non-state actors and such a mission consequently has an impact on the effectiveness and the ability of the mission to be impartial.^{xxv} Furthermore, apart from the obvious derogation of the theory of impartiality, UN stabilization missions are often seen as vehicles to carry out vested interests of third countries. Mateja Peter^{xxvi} argues that in the contemporary missions, the troops consist of personnel from the regional governments that are generally a part of the conflict and it is unclear whether they are deployed to uphold the mandate or protect the vested interests of their respective country. He further opines that^{xxvii}, such missions create a “specific partial reality”.

Use of Force in UN Stabilization missions:

Another cornerstone of the principles of peacekeeping is the non-use of force except in self-defence or the defence of the mandate. The post-cold war era has marked a significant increase in the authorization of use of force by “all necessary means” to protect the civilians and to defend the mandate of the UN Security Council. The phrase ‘defence of the mandate’ is an all-encompassing one which allows the peacekeeping operations take the initiative to use force. However, with the shift to stabilization missions, the use of force theory is considered to be “offensive” in nature rather than “defensive”, which can cause the UN to become a party to the conflict.^{xxviii} Consequently, a question arises as to the threshold of defensive actions i.e. at what stage defensive action constitutes an offensive action?^{xxix}, which still hasn’t been clarified by the UN. At this juncture it becomes important to note the difference between the terms ‘robust peacekeeping’ and ‘peace enforcement’. While the former is implemented at the tactical level often without the consent of the host state.^{xxx} Generally the peacekeepers are ascribed the status of non-combatants and can become combatants if they engage in armed conflict. The robust use of force in such missions have been justified on the ground that such measures usually are targeted against illegitimate groups which operate outside the ambit of the international system, thus warranting the exceptional measures.^{xxxi} At this juncture it is deemed fit to briefly discuss the extent to which the UN Peacekeepers are bound by the principles of International Humanitarian Law (hereinafter referred to as IHL).

Initially the UN had commented that it was and could not be deemed as a party or a high contracting power to the Geneva Convention.^{xxxii} However the Secretary General in 1999 had issued a bulletin^{xxxiii} to the effect that UN would abide by the principles of IHL when actively engaged as combatants. Following the bulletin, the HIPPO report in 2015^{xxxiv} had pointed that IHL must be complied with in peace enforcement operations and it might make the UN forces a party to the conflict. Although the report highlights the possibility of the UN Forces becoming a party to the conflict, it does not suggest criteria as to when such use of force could make them a party to the conflict.^{xxxv} Whether in the case of Mali, the UN forces are bound by IHL is dealt in the third part of the paper.

Counterterrorism mandates and its Implications

As mentioned earlier, operating alongside the host state is a characteristic common to both stabilization missions and counter terrorism mandates. When dealing with counter terrorism mandates, due consideration has to be given to the following: impact of assisting the host state and the other regional efforts; human rights compliance and the effect it has on the other parties to the conflict. It should be noted that when assisting the host state, the consequences of the wrongful acts committed by the host state have to be taken into consideration. The counter terrorism agenda, if at all must be distinguished from the other assistance which can be given by UN. It is opined that counter terrorism mandates, generally interfere with the other mandated activities such as peace committees. Thus, a clear mandate with reference to the counter terrorism mandate is required.

The effect of such counter terrorism mandates in the case of Mali is discussed in the third part of the paper.

A CASE OF MALI

The Multinational Integrated Stabilization Mission (MINUSMA) in Mali is considered to be one of the most dangerous missions undertaken by the United Nations. It is deployed in a situation where there are numerous asymmetric groups which claim autonomy in the region along with a government which was involved in violating human rights law and other illegal activities.^{xxxvi} The counterterrorism operations raised concerns, that centered around the relationship between the UN forces and humanitarian aid workers. At this juncture the conflict in Mali is discussed in the context of its history; the need for peacekeeping to evolve which is

analysed through the robust use of force and the theory of impartiality; the implications of counter terrorism operations and finally the recommendations suggested by the author.

Brief history of the conflict

Mali, a French colony in Africa gained independence in the year 1960. The Arab and Tuareg communities questioned the authority of the newly formed government. The divide that existed between the northern and southern Mali widened as the elite group of Southern Mali marginalised the north of the country by imposing military rule in these parts. Mali had witnessed Tuareg and Arab uprisings in 1963, 1991, 2006 and 2012. All these attempts were thwarted by the state authority by exploiting the inter-ethnic differences that existed between the tribes of the north to their advantage. Liberia and Algeria tried to use this tense situation to further their geopolitical aspirations. Encouraged by the inability of the state to control of the region, the Arab speaking NGO's started spreading their version of Islam in the North. These essentially questioned the religious tolerance being upheld by the south. Tuareg exiles living in Libya in October 2011 brought all the rebelling factions under a single umbrella of Mouvement Nationale pour la Libération de l'Azawad (MNLA).^{xxxvii}

The Mali civil war was launched on 17 January 2012 when a Tuareg rebellion named Mouvement Nationale pour la Libération de l'Azawad (MNLA) revolted against the existing government demanding greater autonomy. Following that, on March 22, a coup d'état was led by Captain Amadou Sanogo. However, the occupation by Tuareg was short-lived. Soon they were driven out by Al-Qaida of Islamic Maghreb (in Timbuktu), Movement for Unity and Jihad in West Africa (in Gao) and Ansar Dine (in Kidal). In pursuant to the negotiations between the government and the insurgent groups, the Islamist groups moved towards Bamako (southwards) which resulted in the French Intervention in 2013. One of the first steps taken at the international level was to deploy African led International Support Mission to Mali (AFISMA) for an initial period of one year. Consequently, when discussing the future of the mission in Mali, two options were brought in by the Assistant Secretary General for Political affairs in the Secretary General Report: first, to strengthen the current multidimensional presence into an integrated political presence, which would increase the resources for AFISMA (transform into a stabilization mission); two forming a stabilization mission under chapter 7 alongside a force to conduct counter terrorism operations. On April 2013, the Security Council vide Resolution 2100 established the Multidimensional Integrated Stabilization Mission (MINUSMA).^{xxxviii}

Peacekeeping operations vs. need for evolution

Since 2015, the trend of deploying UN peacekeeping forces into conflict zones was on the rise. Moreover, these operations were characterized (especially after MONUSCO) assisting the host government in their capacity building by employing offensive use of force against the non-state actors, without a peace agreement in place. In Mali, initially it was of the opinion that it did not explicitly authorize the “offensive” use of force due to the fact that its ability to engage in desert and mountain combat was in question^{xxxix}. However, the mandate had authorized Operation Serval conducted by the French to use “all necessary means” to assist the elements of MINUSMA when under imminent threat or at the request of the Secretary General. It has been opined that by authorizing Operation Serval, the Security Council had established an intervention brigade, similar to the one in DRC, although not being under the UN branch.^{xl} The changing nature of the peacekeeping operations by introducing the regional players^{xli}, usage of drones and strategic intelligence (although the Brahimi report had contemplated the use of intelligence in complex situation it was rejected on the grounds that the UN must be impartial), is evident in Mali. Thus, the nature of peacekeeping operations had to adapt to the changing nature of the conflicts, which were complex and multi-dimensional.

At this juncture, a question arises as to whether the capstone doctrine which lays down the pillars of peacekeeping operations were adhered to in MINUSMA. This can be addressed in three folds: first being the robust use of force, second with reference to theory of impartiality and thirdly being consent.

Robust use of force:

The aftermath of creating an intervention brigade in MONUSCO “without setting any precedent” was that now peacekeepers were deployed in conflict zones which included robust mandates. In Mali, the mandate had authorized a French contingent who would assist the MINUSMA by using “all necessary means” to support the mission when under imminent threat or when requested by the Secretary General. MINUSMA, aimed to concentrate on the densely populated areas and prevent access of such areas to terrorist groups.^{xlii} Furthermore the UN Security Council vide resolution number 2295^{xliii} had authorised to engage with the asymmetric forces.

As much as the robust use of force, is widely criticked on the ground that it might make the UN a party to the conflict, it has been encouraged in places where such means are used to protect the civilians. However as discussed earlier, the lack of definition of “stabilization”

missions and the lack of threshold for defensive force, makes the mission mandate ambiguous and thus difficult to implement.^{xliv} The effect of such a mandate can be analysed in the light of the impact it has on the political process and the fundamental question which underpins the robust use of force: “Whether the UN in such cases becomes a party to the conflict?”

Representative politics

Peace negotiations is a crucial aspect of peacekeeping. Charles Hunt^{xlv} opines that, in stabilization missions such as the one in Mali, where the mandate is to assist the host government (where a party to the conflict is deemed “illegitimate” and thus not given a chance to participate in the peace negotiations), not only limits the ability of the UN to establish or foster an all-inclusive political process becomes limited, but also limits the opportunities of establishing other political constituencies. Such limitations can leave their impact on the effectiveness of the peace negotiations.

Does UN become a party to the conflict?

As discussed in the second part of the paper, the 1999 bulletin issued by the Secretary General states that the UN Forces would be bound by the principles of IHL. However, the HIPPO report in 2015 had raised concerns as to the threshold of force that would make the UN a party to the conflict.

MINUSMA is being deployed where there is an ongoing Non-international Armed Conflict. To decide whether peacekeeping operations would be considered as a party to the conflict the following points must be taken into consideration: the nature of mandate, Rules of engagement, instruments used, nature of the force authorised and the conduct of personnel.^{xlvi}

ICRC^{xlvii} opines that UN forces can be deemed a party to the conflict in circumstances where there is a ‘belligerent intent’ which is characterized by a pre-existing Non- international armed conflict and the forces are called on to intervene; action taken are in the light of existing conflict; they are established to support a party to the conflict and such an action is taken pursuant to a decision taken by the TCC. With respect to Mali, the 2018 mandate renewal had stated that MINUSMA is to conduct joint operations and share information with the Malian Defence and Security Forces. The support given by providing helicopters and drones and the frequent clashes between the armed groups and the UN forces can be deemed sufficient to exhibit ‘belligerent intention’ and thus be made a party to conflict and be bound by IHL.

Theory of impartiality

The theory of impartiality states that the UN be impartial while carrying out the mandate. However, this must not be taken as synonymous to as being neutral. Such impartiality is crucial in gaining the cooperation of the states. In mandates such as MINUSMA, where it is centred around capacity building of the state, it is often perceived as being partial. MINUSMA mandate explicitly sides with the host state by assisting them in combating armed non state actors. This tends to make the UN Personnel and Installations a legitimate target of such armed groups. The statement after the attack carried out by Ansar Dine in 2016 against the UN base in Kidal region which claimed the lives of six peacekeepers is a case in point. It stated that “ *the (kidal) operation is a message to the crusader invaders and all those who support them and promise to send their soldiers to us...* ”.^{xlvi} Furthermore, the rocket attack on the housing camp of the mission and the French brigade (from operation Barkhane) where the attackers had disguised themselves as peacekeepers in 2018, presents the dangerous situations in which the peacekeepers operate how the mandate has been perceived by the other main parties to the conflict.^{xlix} Moreover, the attacks on soft targets (such as humanitarian aid workers or civilian mission personnel^l) poses a major threat. These attacks on the UN personnel have been attributed to this partiality.^{li}

Moreover, the issue of credibility of the UN (sometimes associating with the host state forces who violate the human rights can be perceived as perpetrators). The Secretary General in his report in 2012^{lii} had brought in the concept of Human Rights Due Diligence Policy as an extenuating factor. Thus, UN cannot assist those who are found to violate (where there is substantial evidence of violating) or where no corrective measures have been taken for the violation of human rights and humanitarian laws. At this juncture, a question arises as to how much support would make the UN responsible for a wrongful act, which can be answered by placing reliance upon Article 6, 7 or 14 of the Draft Articles on Responsibility of International Organisations.^{liii} Article 6 states that the UN Forces are subsidiaries which makes the UN responsible for their acts. Article 7 ascribes responsibility to the TCC or the UN organisation that exercise an effective control over the force. It has also been opined that article 6, encompasses within itself the scope of article 7. However, the phrase ‘effective control’ is to be characterized as one where the relationship between the UN and host state force must be ‘sufficiently close’.^{liv} Article 14 in this instant case seems to be directly applicable. It states that responsibility can be attributed to an organisation if it aids and assists in committing such

an act. However, in order to be responsible, it must have had knowledge of such an act, or it must be ‘wrongful’ if the same had been committed by the organisation.^{lv} In spite of such mechanisms, there continues to be violation of human rights and humanitarian laws by the MINUSMA and the MDSF.^{lvi} Such continuing violation is often attributed to the fact that the Forces often consider that they are “fighting a war”.^{lvii} With the introduction of the Human Rights Reporting, the report had found that there seems an increasing sense of responsibility among the forces. Furthermore, the report^{lviii} had stressed on the need for transparent and systematic reporting in order to ensure human rights compliance.

Access to humanitarian aid

At this juncture, it becomes important to analyse the impact of such mission on the access to humanitarian aid. In missions such as MINUSMA where the mandate is to assist the host state. As a consequence, with it attaches legitimacy to one party to the conflict while disenfranchising another. Furthermore, with the mission dealing with a broad range of issues such as refugee needs, human rights etc might be affected by a robust mission. It has been opined that the UN is moving towards an “integrated approach”. However, such an approach might blur the line between different sectors (of which humanitarian aid is significant) although their objectives are different. In the case of MINUSMA, the Quick Impact Projects which offers healthcare, food etc and aid offered by Operation Barkhane are often being perceived by the aid workers to “win hearts and minds”^{lix} of the people. However, it risks the humanitarian aid workers of being associated with the military.

For instance, the Médecins Sans Frontières^{lx} while analysing the impact of integrated missions on the humanitarian actors had highlighted that three missions in the region (MINUSMA, EU mission in Sahel and Operation Barkhane) are deployed to address the situation in threefold: stabilization of the political situation, counterterrorism measures and “integrating different objectives into one agenda”. Consequently, such integrated missions might be perceived as advocating the government’s agenda and the people might be apprehensive of accessing the same, the aid workers might be at risk owing to their association with the mission and finally the capability of distributing the aid. The 2018 hotel attack in Mali seems to be a case in point^{lxi}. At this juncture, it is pertinent to quote the Médecins Sans Frontières programme manager for Sahel^{lxii} “Access to the most vulnerable populations has been a struggle for humanitarian actors since the beginning of the armed conflict. However, the humanitarian sector in Mali has not found a consistent manner on how to effectively react to the current military and political

dynamics that subordinate humanitarian action to its interests, putting humanitarian organisations and their work at risk. We cannot resign ourselves to this reality.”

Counterterrorism operations

The resolution 2295^{lxiii} had sought a greater cooperation among states (regional and international) via capacity building of the MDSF, to disarm and demobilise the armed groups and to re-establish the rule of law. Karlsrud opines that although MINUSMA had not taken direct part in tackling the threats, it had contributed to the same via providing intelligence with its French Counterpart (operation Barkhane).^{lxiv}

It is deemed fit to briefly outline the structure of intelligence sharing. The Unmanned aerial vehicle unit, surveillance drones, armoured vehicles and helicopters are used in gathering intelligence on the armed groups, which are termed as ‘targeting packs’ by Karlsrud. They are then compiled by the All-Sources Information Fusion Unit (hereinafter referred to as ASIFU). The ASIFU was the brainchild of the NATO International Security assistance force in Afghanistan. The nature of the intelligence collected by ASIFU was highlighted by Karlsrud^{lxv} as: *“ISR companies conduct long and short-range patrols and surveillance drones, C-130 transport planes and apache helicopters that provide image intelligence and the specialists collect such intelligence and analyse the same with the open source data available in the social media and newspapers (local and regional).”*

In order to effectively carry out such mandates adequate logistical capabilities, specific equipment and among other things are required, which the UN peace operations lack.^{lxvi} Also as discussed earlier, such counter terrorism mandates are often perceived as falling outside the existing peacekeeping principles, as the UN Forces are seen as partial as they assist the host state in (re)establishing themselves. An essential condition for pursuing counter terrorism operations is that they must be in consonance with the established human rights law. the report published by the United Nations in 2018 concerning the human rights violations committed by MINUSMA and MDSF proves to be an antithesis to the established principles.^{lxvii}

The political ramifications of the counter terrorism operations are of two folds: first being the vested interests of the TCC and the second being the possibility of the UN mission being a party to the conflict. The TCC in MINUSMA mainly consists of regional governments who have vested interest in the state^{lxviii}. Even without a direct participation in disarming or tackling

the armed non-state actors (by sharing intelligence with Operation Barkhane) renders the UN mission a party to the conflict.

In missions like that in Mali, Karlsrud^{lxxix} argues that the legitimacy of the UN could be used to develop the existing standard of counter terrorism operations, however since the TCC are mainly regional governments who carry out their vested interests might target certain groups as a threat which consequently, such an outlook might render the mission to be ineffective.

RECOMMENDATIONS

Mandates which involve counter terrorism operations or that which involve stabilization, must be clearly defined and their scope of application must be clearly spelt out so that they can be effectively carried out. Furthermore, when working on counter terrorism operations it is of utmost importance that access to humanitarian aid and other works under the UN must not be affected by the UN forces assisting other international “offensive” forces.

It can be observed from MINUSMA that the TCC are generally regional governments. Western member states of the UN are generally apprehensive of deploying their troops in circumstances of on-going conflict, where there is a high risk of casualties to personnel and damage to equipment and installations is expected. John Karlsrud^{lxxx} introduces the concept of burden sharing by the UN member states to the peacekeeping operations. He notes that generally EU and western countries are averse to deploy their troops in such circumstances. Recently, the USA under President Trump followed suit of the Obama Administration and had advocated for increase in burden sharing when deploying troops both in NATO as well as UN Peacekeeping.^{lxxxi} However, such burden sharing policy is not without its limitations. It is possible that the burden sharing policy might also bring out the vested interests of the member state. For instance, the contribution can be used as a “proxy” to control the migration flow to the TCC state. Germany^{lxxii} in the case of MINUSMA had opined that migration from Mali can be prevented by ensuring that there is stability in the region.

CONCLUSION

The modus operandi of peacekeeping operations has drastically changed over the last decade. Initially they were being sent as a part of observers’ mission or to carry out mandates which required monitoring of peace agreements. But recently they are being deployed in situations

where there is “no peace to keep” i.e. in the midst of on-going conflict. The Capstone doctrine which characterizes the peacekeeping operations as where it requires the consent of the host state, impartiality and non-use of force except in self-defence or in the defence of the mandate. With the UN stabilization missions, MINUSMA in this instant case, do not adhere to the peacekeeping principles. They are often perceived as partial owing to the express mandate of them assisting the host state in capacity building to tackle the problem of armed non-state actors and the robustness of the use of force does not ease the situation either. When conferring the French contingent to use force by “all means necessary” to protect MINUSMA, raises question as to the applicability of international humanitarian law to the UN forces. Specifically, if it makes MINUSMA a party to conflict and whether it is attributable to the mission as a whole or specific individual. Nevertheless, there seems to be a consensus if MINUSMA is a party to the conflict. That is established by the fact that it shares and provides intelligence to the French troops (Operation Barkhane) and that in itself establishes belligerent intention. However, it can be inferred that such a mandate can hamper the credibility of the organisation and often turn out to be counterproductive. It must be noted that UN although is being characterized as impartial, is not synonymous with it being neutral and with the changing dynamics in the global order which impacts the complexities and nature of conflicts, the UN peacekeeping operations need to be equipped with dealing such situations.^{lxxiii} The dos Santos Cruz report^{lxxiv} is of paramount importance here. It highlights the ways in which the effectiveness of the missions can be enhanced. However, it is opined by academics^{lxxv} that such a report, although one step ahead in identifying key areas i.e. fatalities and tackling the human rights violations, it leaves out a fundamental question that has not yet been addressed by the UN i.e. the role of peacekeeping operations as a tool in securing peace and “security toolbox”^{lxxvi}.

At this juncture, the steps can be taken to address the issues highlighted above which makes the mandates sustainable and its effective implementation can be sought. A core issue that was highlighted was the lack of definition of the term “stabilization” which further create offshoots: i.e. when does defensive force turns offensive? tackling the vested interests of the TCC. In addressing such issues thus, the first step would be to define the contours of the term “stabilization”. A clear demarcation in this regard would make the implementation of the mandate effective. Furthermore, the concept of burden sharing, despite its limitation, seems to be an option that can be ventured into. Additionally, the impact on legitimacy of the organisation was at the core of the analysis in this paper via the impact on access to

humanitarian aids. Slew of reports published by the Médecins Sans Frontières^{lxxvii} and the UNICEF^{lxxviii} highlight the plight of humanitarian aid workers. They are often being subjected to attacks owing to the fact that they are perceived to be working under the banner of military component of the mission. This necessitates the need for clear demarcation of the role that is to be undertaken by various organisation.

ENDNOTES

ⁱ John Karlsrud, 'Are UN Peacekeeping Missions Moving Toward "Chapter Seven and A Half" Operations?' (*IPI Global Observatory*, 2018) <<https://theglobalobservatory.org/2018/02/peacekeeping-chapter-seven-half/>> accessed 10 December 2019.

ⁱⁱ Karlsrud, J. (2017). Towards UN counter-terrorism operations? *Third World Quarterly*, 38(6), pp.1215-1231.

ⁱⁱⁱ Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. (2002). [ebook] New York, p.6. Available at: <http://www.un.org/documents/ga/docs/57/a5737.pdf> [Accessed 20 Aug. 2018].

^{iv} In larger freedom: towards development, security and human rights for all. (2015). [eBook] United Nations General Assembly, p.25. Available at: <http://undocs.org/A/59/2005> [Accessed 18 Aug. 2018].

^v Un.org. (2012). Legal Committee Urges Conclusion of Draft Comprehensive Convention on International Terrorism | Meetings Coverage and Press Releases. [online] Available at: <https://www.un.org/press/en/2012/gal3433.doc.htm> [Accessed 20 Aug. 2018].

^{vi} Schmid, A. (2012). The Revised Academic Consensus Definition of Terrorism. [online] Terrorismanalysts.com. Available at: <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/schmid-terrorism-definition/html> [Accessed 19 Aug. 2018].

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