

# Security Council Resolutions

## Under Chapter VII:

### Design, Implementation and Accountabilities

The Cases of Afghanistan, Côte d'Ivoire, Kosovo and Sierra Leone

*There is no sign that the need for peacekeeping will diminish. Threats such as environmental changes, economic shocks, transnational crime and extremism threaten many states and contribute to growing political and security instability.*

UN 'New Horizon' internal paper, quoted in *The Financial Times*, 3 August 2009

*We manage 18 operations deployed across 12 time zones in five continents, comprising 140,000 authorised personnel, of which 110,000 are currently deployed, directly impacting the lives of hundreds of million people. This compares to 30,000 deployed personnel from just ten years ago.*

Alain Le Roy, 1 December 2008

*So we need mission mandates that are more credible and achievable. We need peacekeeping operations to be planned expertly, deployed quickly, budgeted realistically, equipped seriously, led ably, and ended responsibly.*

Ambassador Susan E. Rice, US Permanent Representative to the United Nations, remarks at New York University's Centre for Global Affairs and the Centre on International Cooperation, 'A New Course in the World, a New Approach at the UN', 12 August 2009

## EXECUTIVE SUMMARY

The study *Security Council Resolutions under Chapter VII: Design, Implementation and Accountabilities. The Cases of Afghanistan, Côte d'Ivoire, Kosovo and Sierra Leone* examines four widely different interventions approved by the United Nations Security Council (UNSC) in the past decade. To varying degrees, they all confronted the risk of regression to violent conflict and had mandates that entailed the actual or

*Concerns had been voiced [...] that United Nations peacekeeping was dysfunctional, because the troops the United Nations deployed – troops mostly from developing countries – were often ill-equipped, ill-trained and ill-prepared [...] if developing countries would stop responding to the frantic calls of the United Nations today, there would be no peacekeeping tomorrow, barring a few choicest areas in the world of strategic interest to major powers. Blaming the failure on the peacekeepers was the easy way out of meeting the Organisation's collective responsibility.*

Ambassador Anawrul Kadim Chowdhury, Permanent Representative of Bangladesh to the United Nations, statement at a Security Council session on the situation of Sierra Leone, 11 May 2000

potential use of force. Of the case studies, Côte d'Ivoire and Sierra Leone involve missions under UN command in countries where individual member states launched military operations with or without Council approval. Afghanistan and Kosovo had UN civilian missions with a political and peacebuilding mandate deployed in parallel to military operations authorised by the Council and led by a multinational or regional organisation.

Each case reviews the context for UN intervention, its role *vis-à-vis* other key international players, the design of the mandate and its eventual evolution in response to emerging needs. Taking into account the role of the Secretariat in supporting UN field missions, the study reviews implementation, with a special focus on the dynamics between the Council and the field. The approach taken is largely based on the principles laid down in the Brahimi Report and more recent literature on UN peacekeeping.

Particular areas of analysis in the study include:

- The supportive or negative impact of the use of force, whether by UN blue helmets, operations by individual member states or multinational regional organisations, on the political and peacebuilding objectives;
- The Council's effectiveness in backing and monitoring implementation, its ability to steer the way in the face of new requirements and the internal divisions that hamper its action;
- The Council's role in legitimising interventions by multinational or regional forces over which it has little or no control and where accountability becomes a responsibility delegated in large part to other international players;
- The distance between prescription and action as evidenced by the level of implementation of UNSC resolution 1325 (2000) on women, peace and security;
- The challenges of state-building by outsiders *vis-à-vis* the local context.

## **I. Case studies**

### Afghanistan

Security Council engagement in Afghanistan intensified after the US-led military Operation Enduring Freedom (OEF) removed the Taliban from power and the UN drew the Bonn Agreement as a blueprint for a functioning democracy and institutions. Thereafter, three streams of resolutions would be implemented simultaneously: a sanctions regime established in response to terrorist actions by Al-Qaeda and the Taliban; the operation of the International Security Assistance Forces (ISAF), under Chapter VII; and that of the UN Assistance Mission in Afghanistan (UNAMA), not under Chapter VII.

Despite the completion of the Bonn timetable, the state-building agenda was being increasingly challenged by the resurgence of the Taliban and problems of uncoordinated

and wasted aid. Council resolutions went from minimal *carte blanche* to an ambitious list of tasks reflecting diverging interests among the Permanent Five (P5) and other members. The original 'light footprint' approach proved unviable: while UNAMA was under-funded, the military contingents run by ISAF/NATO and OEF were inflated with resources, personnel and equipment, especially as the operation moved from security assistance to full-fledged combat and counter-insurgency. UNAMA's mandate became more difficult to implement as it incorporated the simultaneous tasks of coordinating aid from a large but fragmented international community, implementing its own projects and advocating for peace and reconciliation in a country where insecurity and institutional weaknesses were reversing gains made on democratisation.

By late 2008, it had become clear that a military solution was not the answer, but it was far from apparent that a political solution based on negotiations with the Taliban would bring long-term stability. As the country prepared for elections in 2009 and 2010, the puzzle was whether the Taliban would participate and whether, after the elections, the government would be able to deliver public goods more effectively and transparently. For the international community, the two pressing priorities were to transform a heavily militarised operation into a civilian one, and to shift from an externally-directed enterprise into a locally-owned one.

The Afghanistan case evidences the particular challenge of implementing a UN peacekeeping mission, jumpstarting state-building and political assistance, coordinating aid in a fragmented framework, and implementing resolution 1325 (2000) on women, peace and security in situations where there is no peace to keep, and where the international community itself becomes engulfed in counter-insurgency.

### Côte d'Ivoire

Seven years after the eruption of a brief civil war in Côte d'Ivoire, the country is at peace but almost all the preconditions for renewed political violence that could continue to expose it to an armed conflict in the medium term remain. The conflict was just one of the dimensions of a deep political crisis that has not been solved. The presidential elections expected since October 2005 have yet to be organised in mid-2009. Various external actors have been involved in peacemaking and peacekeeping efforts in the country. The United Nations Operations in Côte d'Ivoire (UNOCI) is one of them. Established in February 2004 by the Security Council through a resolution under Chapter VII, UNOCI is still on the ground in 2009. Since the signing of the Ouagadougou Peace Agreement, the Council's resolutions, yet under Chapter VII, limited UNOCI's role to providing passive support to the implementation of the agreement depending on the goodwill of the president, the prime minister and to some extent the facilitator, the president of neighbouring Burkina Faso.

The Council continues regularly to renew its mandate with little impact on the internal political process, a situation that turns the timeline of the peacekeeping operation uncertain. While real progress has finally been made in the technical electoral preparations, there is still no guarantee that the new official date of 29 November 2009 will be respected.

## Kosovo

In March 1999, a North Atlantic Treaty Organisation (NATO) military campaign with no prior endorsement from the Security Council resulted in the expulsion of Serbian forces from Kosovo and the subsequent deployment in the territory of two international operations authorised by the Council: the civilian United Nations Interim Administration Mission in Kosovo (UNMIK); and the military NATO-led Kosovo Force (KFOR). Resolution 1244 (1999), adopted under Chapter VII and negotiated entirely outside the Council, contains a fundamental ambiguity that reflects the division within the Permanent Five on the future of Kosovo. While reaffirming the sovereignty and territorial integrity of the now extinct Federal Republic of Yugoslavia (FRY), it puts on hold the exercise of these principles for an indefinite period, and places Kosovo under an international protectorate.

Progress has been achieved in the implementation of the mandate's most pressing issues: ending the cycle of violence, ensuring the return of Kosovo-Albanian refugees, and establishing a structure for the gradual transfer of administrative responsibilities to local authorities. But the authority vested in UNMIK was contradictory in many ways to the aim of promoting local ownership. Most importantly, the international presence was unable to create a political environment where a multi-ethnic society would thrive. Kosovo-Serbs remain largely alienated from the process. Many have left the territory never to return due to insecurity, and have refused to participate in the new self-government structures. The Comprehensive Proposal for the Status Settlement submitted by UN Special Envoy Ahtisaari in 2007 was rejected by Serbia and failed to obtain the Council's approval. On 17 February 2008, the Kosovo-Albanian leadership unilaterally declared independence.

Resolution 1244 (1999) is still nominally in force in the absence of a revision. Since its adoption, the Council has pronounced itself on the Kosovo situation through presidential statements on barely a few occasions. In November 2008, it endorsed the Secretary-General's proposal on the reconfiguration of the civil presence thus far embodied by UNMIK, thereby accepting the deployment of the European Union Rule of Law mission (EULEX). However, the crisis over the status of the territory is not over yet and the goal of a multi-ethnic Kosovo remains distant.

## Sierra Leone

Ten years after the horrific rebel attack of 6 January 1999 and the battle for Freetown, Sierra Leone is a country at peace. A president from the opposition party in the immediate post-war period, Ernest Bai Koroma, is in power since the September 2007 elections. The elections were organised by the National Electoral Commission (NEC) with broad citizen support and assistance from the United Nations Integrated Office in the country (UNIOSIL), which succeeded the then largest UN peacekeeping operation in the world, the United Nations Mission in Sierra Leone (UNAMSIL). In 2009, the country is still on the agenda of the Security Council and hosts the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL).

Sierra Leoneans interviewed in November 2008 recognised UNAMSIL's contribution to their country's recovery from collapse and generalised violence. They insisted on the

conjunction of efforts by key players in helping to end the conflict: Nigeria and Guinea bilaterally and as participants in a regional peacekeeping force; the United Kingdom (UK) through direct support to the Sierra Leonean army; and UNAMSIL. The quasi collapse of UNAMSIL in May 2000 remains vivid in their memories but so does its progressive recovery since 2001. Ultimately, UNAMSIL achieved the key tasks assigned by the Security Council: it assisted in conducting the disarmament, demobilisation and to some extent reintegration of former combatants; supported the redeployment of the state throughout the country; provided key assistance and security to national and local elections; contributed to the reform of the national police; supported the Truth and Reconciliation Commission (TRC); and provided security for the Special Court for Sierra Leone. Its record in implementing UNSC resolution 1325 (2000) on women, peace and security was much less impressive.

## **II. Main findings and conclusions**

The general conclusions of the study are organised around five issues: the question of local consent; the viability of the mandate; Security Council support; the implementation of UNSC resolution 1325 (2000); and the political environment at the international and regional levels. They are inspired in the four criteria set out in the Capstone Doctrine for success in peacekeeping and add the question of women's participation, one of the specific objectives of this study and an example of the gap between prescription and action.

Below are some of the most salient findings and conclusions.

### The question of consent

1. Peace accords signed prior to deployment neither necessarily reflected true commitment nor did they always include key parties. The level of consent was only formal, fluctuating or minimal in Côte d'Ivoire and in Sierra Leone at the initial stage. In Afghanistan and Kosovo, accords were signed after the situation on the ground had been altered by military defeat at the hands of international forces. They did not include the Taliban in Afghanistan or representatives of the population of Albanian descent in Kosovo.

2. Consent by local parties should not only be the norm for the deployment of peacekeeping forces, it also needs to be sought for the long-term state-building strategies pursued by an international intervention. The legitimacy of certain types of state-building, especially during ongoing conflict, is questioned by attempts to 'engineer' institutional processes in accordance with the strategic interests and values of the international presence.

3. In all cases, the use of force has had an impact on the level of consent by local parties and actors:

- In Afghanistan, the intensification of military operations by OEF and ISAF and the resulting civilian casualties and destruction have fuelled resentment and played in favour of the insurgency;

- In Côte d'Ivoire, although French *Opération Licorne* was able to halt hostilities, its destruction of the Ivorian air force fuelled resentment against an international presence that was perceived as associated with the former colonial power;
- In Kosovo, the absence of a forceful reaction to ethnically-motivated attacks against Serbs was one of the main reasons behind a large exodus of members of this community from the territory and made their integration more remote;
- In Sierra Leone, the timing of the UK intervention, ostensibly to rescue its nationals and related personnel, had the unintended consequence of giving UNAMSIL the possibility of recovering after its virtual collapse, thus helping to create favourable conditions for the implementation of the peacebuilding and political aspects of the mandate.

#### A clear, credible and viable mandate

4. In Afghanistan, the challenge for mandate implementation has been the uncomfortable co-existence of UNAMA's state-building and political tasks with the war waged by international forces in parts of the country. The short-term goal of counter-insurgency through war fighting undermined long-term state-building and peacekeeping objectives.

5. From the beginning, and especially after the Ouagadougou Peace Agreement, the mandate in Côte d'Ivoire was broad in the tasks assigned, but limited to the role of 'assisting' the government. Much depended on the latter's goodwill, and ultimately on internal politics. Despite similarities to the mandate of UNAMSIL in Sierra Leone, mainly for political reasons, including the existence of a comparatively stronger government in Côte d'Ivoire, UNOCI was unable to obtain the required resources.

6. In Kosovo, resolution 1244 (1999) captures the general agreement of Council members, including Russia, on the most pressing issues: ending the cycle of violence and ensuring humanitarian relief to the many refugees and internally displaced persons (IDPs). But it glosses over the deep divisions among the Permanent Five over the legality of the intervention and the approach to the process that would lead to the determination of the future status of Kosovo. The resolution became a frame of reference with red lines on sovereignty, rather than a tool to guide UNMIK's actions. Soon overtaken by events, in the eyes of many resolution 1244 (1999) became obsolete upon approval.

7. UNAMSIL in Sierra Leone was the first peacekeeping operation with a mandate to protect civilians. As the situation became more complex, and after the virtual collapse of the mission due to erroneous political assumptions, inadequate deployment and severe operational weaknesses, debates in the Security Council and pressures from regional leaders resulted in the restructuring and increase of force levels.

8. In general, for all the case studies, operational challenges included the slow deployment of qualified personnel; poor logistics and training; the absence of a common understanding of the mandate, resulting in difficulties in defining priorities and a unified strategy; and lack of communication, coordination and transparency, especially between the civilian and military peacekeepers.

9. A specific set of difficulties stems from the co-existence of a civilian mission with a military operation not under the UN, be it a multinational or a regional force or an intervention by a member state. While the UN has nominal authority over all operations authorised by the Council, it does not have the information, the resources or the leverage required substantially to influence their actions, except for those under UN command.

#### Security Council support

10. The relationship between the multinational forces in Afghanistan and Kosovo with the Security Council that authorised them is characterised by a paradox. While the majority of troop-contributors consider the Council necessary as a legitimising agent, they do not feel under the obligation to report to it and in many cases are reluctant to do so. Despite its legitimising role, the Council has neither a say in determining their rules of engagement nor effective authority over these forces, whose resources, equipment and budget are guaranteed by the troop-contributing countries that have the means and political clout to act, and over which the UN has no leverage.

11. Overall, the role of the Security Council in these cases has reflected the inter-governmental function of the institution, with each country pursuing its national interests, rather than its trans-governmental function of creating a common good and implementing it in a coherent and effective manner. A way to enhance mutual accountability would be to establish a consultation mechanism between NATO or the organisation responsible for the implementation of the security mandate and the Security Council on key aspects of its execution, starting with the rules of engagement.

12. In Afghanistan, initial unanimity over intervention gave way to more detailed enquiries as the security situation deteriorated and ISAF engaged in hostilities with a resurgent Taliban resistance. Within the Council, a coalition of dissent formed by Russia, China and elected members from the South began to question US actions on the ground. European countries, especially the Nordics, have insisted on the subjects of human rights, the situation of women, humanitarian law and the legitimacy of Afghan institutions. Security Council resolutions eventually introduced language on civilian casualties and endorsed UNAMA's role in promoting humanitarian law, even if it meant criticising ISAF operations.

13. In Côte d'Ivoire, until 2007 the Council approved several resolutions under Chapter VII to control the content and rhythm of the peace process, but without providing adequate resources or exerting sufficient pressure on the parties to comply. Unlike in Sierra Leone, sanctions were imposed reluctantly, rather late and on a very small group of three low profile persons. The Council failed to provide enough support, due to lack of consensus, especially regarding the level of troops requested by the Secretary-General, to shape a robust peacekeeping mission ready to defend itself and its mandate.

14. Divisions within the P5 over Kosovo have virtually paralysed the Council since the adoption of resolution 1244 (1999). Initiatives to address new developments have resulted from UNMIK regulations or measures taken by other international actors, rather than emanating from Council directives, and were reported to the latter *ex post*

*facto*. The Council has pronounced itself through presidential statements on very few occasions, the last being to endorse the reconfiguration of UNMIK, and concomitantly the deployment of EULEX. In the absence of action by the Council, the Secretary-General assumed an advanced interpretation of his role, seeking to respond to events without tipping the balance of power between contending positions or crossing the ‘red lines’ of resolution 1244 (1999).

15. In Sierra Leone, UNAMSIL’s near collapse after coming under attack from the RUF – a signatory to the Lomé Peace Agreement whose implementation the mission was required to support – caused a unanimous reaction in the Security Council on the need to prevent the mission from failing and abandoning the country to its fate. As a result, the Council adopted a series of resolutions that increased UNAMSIL’s military strength to the then highest historical levels for a UN mission, reinforced its mandate, hardened sanctions and approved the establishment of a Special Court to deal with those responsible for crimes and atrocities. The international context – marked by memories of the genocide in Rwanda and other past failures in peacekeeping – influenced the Council’s position. The British bilateral intervention in pursuit of its own national interests also had positive unintended consequences. The same level of interest should be expected at any time and for any similar situation, not just by accident of history.

#### Implementation of resolution 1325 (2000)

16. International initiatives, the repeal of Taliban laws and the adoption of measures to improve their situation notwithstanding, women rarely occupy strategic level positions in Afghanistan and their presence in Parliament does not guarantee them a power similar to that of their male fellows. The large presence of warlords and their affiliates in Parliament continues to silence many women. The appearance of language from resolution 1325 (2000) in the mandates of UNAMA and ISAF has not bridged the gap between theory and practice due to a lack of resources and capacities, the context of a traditionally insecure society, weak political institutions and the overlapping and sometimes contradictory tasks assigned to the international forces.

17. Through its Gender Unit, UNOCI took several initiatives to strengthen local capacities in Côte d’Ivoire such as training of female candidates, national school advisers, national gendarmerie and police forces, and the development of a United Nations Development Programme (UNDP) project to establish a centre for women and girls affected by the conflict, including survivors of gender-based violence. Nonetheless, UNOCI was not effective in protecting women from gender-based violence. Widespread atrocities against women were reported well after the combats had ceased. The UN mission continues to document cases of sexual violence, but national authorities take no follow-up actions. The Security Council also shares a degree of responsibility for its failure to activate targeted sanctions against individuals responsible for grave violations of human rights and international humanitarian law, including sexual violence. More generally, a tough stance against perpetrators of human rights violations on all sides could have been a powerful tool for the Council to influence the behaviour of the spoilers of the peace process.

18. There is not a single mention of women in resolution 1244 (1999) on Kosovo, approved one year before resolution 1325 (2000). UNMIK had a gender adviser, but



verbal support for gender mainstreaming did not translate into active commitment from UNMIK's management: resources and policy decisions were generally missing or weak. A crucial achievement was the contested introduction of quotas for female candidates in party lists. But few women were appointed to political office or integrated into the parties' leadership structures, and the measure yielded poor results in terms of improving women's participation over time.

19. In Sierra Leone, women and girls were frequently victims of abduction, sexual slavery, rape and all kinds of abuse during the war. UNAMSIL, established one year before the approval of resolution 1325 (2000), as of 2001 incorporates gender-related language into its mandate. It refers to the widespread violation of human rights of women and children, and specifically mentions the recurrent problem of abuse of women and girls by peacekeepers, expressing serious concern at allegations of sexual abuse in refugee camps by some UN personnel and supporting the 'zero tolerance' policy for such abuse. But it took a long time for UNAMSIL to act on the resolution: the demilitarisation, demobilisation and reintegration (DDR) programme was gender-blind and only in its drawdown phase did the mission assume responsibility for implementing its prescriptions.

20. While implementation of resolution 1325 (2000) has been less than satisfactory within UN peacekeeping, civil society and especially women's organisations have taken the resolution seriously, as illustrated by the case of Sierra Leone. These efforts should not be ignored but strongly and sustainably supported.

### Political environment

21. Although the case studies cover a relatively short period, starting in 1999, they reflect the fluctuating priorities of the international community throughout the past decade. Until the terrorist attacks of 11 September 2001, the main concerns on the international security front were associated with weak or collapsing states, and a fundamental goal was the restoration of the collective security system after its failures in Somalia, Bosnia and Rwanda. Following the attacks and the subsequent launch of the 'war on terror', crises where intervention could not be cast as part of the global fight against terrorism were sidelined or neglected. These circumstances may in part explain the different level of support for the operation in Sierra Leone approved in 1999 from that of the operation in Côte d'Ivoire authorised in 2004.

22. The involvement and influence of neighbouring or regional countries, in turn, varies in each case as explained below.

23. Because they share borders, histories, ethnic populations and common threats, the countries adjoining Afghanistan, including Pakistan, Iran, China, and the Central Asian republics of Uzbekistan, Tajikistan and Turkmenistan, are inter-linked in a common regional security complex: their security problems cannot be analysed or resolved individually. Although the priority for the US administration is increasingly avoiding runaway radicalisation in Pakistan, a regional strategy is imperative to address common potential vulnerabilities, as well as the opportunities that the wider neighbourhood represents. A unified political strategy, led by the UN with the support

of the main international actors in Afghanistan, could address the main regional challenges and create a peace-conducive atmosphere.

24. While the initiatives taken by South Africa, the Economic Community of West African States (ECOWAS) and the African Union (AU) to move the Ivorian peace process forward set an example of 'Africanisation', they have yet not yielded the expected results. The lack of a common reading of the root causes of the conflict and the responsibilities of the national parties led only to halfway measures. After the Ouagadougou Peace Agreement, it is important for the region to continue to engage the parties in order to ensure the implementation of their long-delayed commitments.

25. In Kosovo, the perception and the use of identity as a justification for the conflict can only be resolved in the prospect of a regional integration strategy that effectively creates new bonds among the various communities. It is in this context that the role of the European Union will remain essential.

26. The possibility of regional and international consensus was crucial to the achievements of the peacekeeping presence in Sierra Leone. The support of the governments in the region to the ban on arms and diamond sales that financed the war showed their commitment. The ECOWAS heads of state exerted continuous pressure on Charles Taylor to stop supporting the RUF. Also worth noting was Guinea's forceful military reaction to incursions from Sierra Leone, a policy that dealt a severe blow to the already weakened rebel forces.

This study examines the origin, content and implementation of Security Council mandates for operations deployed in four cases of intervention over the last decade, all of them implying some level of actual or potential use of force. It seeks to test the extent to which the prescription for success in peacekeeping operations derived from the Brahimi Report – the combination of political will expressed by Council decisions with the availability of appropriate resources to implement them – is still a valid parameter. The case studies show the obstacles that can stand in the way to consensus and to securing the true commitment of the Council membership in support of the operations it established. The Council does not always go beyond the individual, sometimes contradictory, interests of its membership, particularly its permanent members, and the adoption of resolutions is not necessarily an indication of sustained political support for the missions deployed. Accountability – understood in the broader sense of responsibility for decisions taken – is at times shared with, or delegated to other international players, such as NATO. The legitimising role of the Council does not translate into effective control, or even guidance, of non-UN missions on the ground. Yet, these military operations have the power to enable or compromise the achievement of the political and peacebuilding strategies that underlie UN peacekeeping operations. Hence, coordination at the operational level should be complemented by substantive consultations among major non-UN security players and other states in the Security Council.