International solidarity. UN, NATO and EU peace operations

Joanna Dobrowolska-Polak

• Solidarity has been implemented into international law as an obligation to respect and support the respect for human rights. It is embodied in the regulations under chapters VI and VII of the Charter of the United Nations (peacekeeping operations and humanitarian interventions).

• The 2001 (Afghanistan) and 2003 (Iraq) abuses of the right to military intervention limited the support for humanitarian interventions in favor of peacekeeping operations.

• The reform of the UN operation system started complex, multipurpose and multilateral undertakings (to be conducted also in cooperation with the EU and NATO), which allowed to implement the process of nation building and include operations to guarantee the respect for human rights and freedoms in the mission's mandate.

• The task of strengthening the respect for human rights (as a part of security building in the region of the operation) is realized by soldiers, police officers and non-uniformed personnel from the contributing countries.

• In 2008, Poland celebrated the 55th anniversary of Polish participation in international actions for peace and security, and the 35th anniversary of its first participation in a peacekeeping operation. Since 1953, 63 thousand Polish soldiers, police officers as well as civilian and military observers have taken part in peacekeeping actions.

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International solidarity. UN, NATO and EU peace operations

INSTYTUT ZACHODNI

Contents

In memory of Rafał Lemkin

Rafał (Raphael) Lemkin was a Polish lawyer who laid foundations for the international system of solidarity with the victims of mass violence. He devoted his life to promoting the belief in the unquestionable need for responding to attacks that threaten the existence of ethnic, national, racial, religious, social and political groups.

Forced to flee from occupied Poland through Sweden to the United States, he published a monograph entitled *Axis Rule in Occupied Europe: Laws of Occupation. Analysis of Government: proposals for Redress* (Carnegie Endowment for International Peace, Washington, DC 1944). In the publication, he proposed to introduce to international law the notion of "genocide" (*genocidum*), he coined from Greek *genos* – race, people, and Latin *occidere* – kill, destroy; Fr. *génocide*, Ger. *Genozid*).

R. Lemkin was Jewish by descent. After the end of World War II, he managed to find only four out of fifty members of his family. For that reason, he started active lobbying in order to generate international condemnation of the crime of genocide and develop an effective prevention mechanism.

He is the author of the Convention on the Prevention and Punishment of the Crime of Genocide, which the UN General Assembly adopted on 9 December 1948. However, Lemkin did not think enough was done. "The Convention must become a powerful tool for the international community"[1].

Today, fifty years after the death of this eminent lawyer, the world has still not freed itself from genocide, and, perhaps, it never will. Nevertheless, Rafał Lemkin managed to convince the international community of the necessity to counteract genocide.

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[1] Quotation from: J.-L. P e n n e, *Rafał Lemkin, czyli potęga bezsilności*, „Polski Przegląd Dyplomatyczny" 2008 (3), p. 61.

INTRODUCTION

The moral obligation of solidarity – present in every religion – and the way it functions in the relations between states, nations and people belonging to foreign ethnic, national and religious groups, have been discussed in the international arena for several years.

The rule of solidarity is an ethical imperative that gives the right and imposes the obligation to act whenever a human being experiences harm that affects his mental and physical well-being or threatens his life. According to John Paul II, "Solidarity is (…) a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all"[1]. Tenzin Gjaco, the 14th Dalai Lama of Tibet says that when people demand the rights and freedoms they cherish, they should not also forget about responsibilities they have towards other people. "If we accept that others have an equal right to peace and happiness as ourselves do we not have a responsibility to help those in need?"[2]. He claims that if we close our eyes to the suffering of others to enjoy our freedom and success, we reject the responsibility. That is why it is absolutely necessary to develop interest in the problems of others - individuals and entire nations[3].

The idea of solidarity has been inscribed in the international system[4]. Its legal mechanisms are operations defined in Chapters VI and VII of the Charter of the United Nations. They are operations required whenever peace and security are threatened: peacekeeping operations (undertaken under article 40 for provisional measures of the UN Charter) and humanitarian interventions (warranted under Chapter VII of the UN Charter). In 1990s humanitarian intervention was thought to be the main means of solidarity. Peacekeeping operations – carried out in a fossilized, cold-war form that was not adapted to new conditions – were underestimated. The fiasco of the humanitarian interventions in Somalia and Rwanda as well as a reformulation of the mandate of peacekeeping operations (expanding the tasks of soldiers and giving them the right to use power in situations other than self-defence for the purpose of the mission fulfilment) standardised the evaluation of effectiveness of the two international operations. The 2001 and 2003 abuses of the right to humanitarian intervention in Afghanistan and Iraq resulted in a limited international approval of such interventions in favour of peacekeeping operations. The use of peace operations was additionally encouraged by the successful reform of UN peacekeeping missions and the intensification of peacekeeping opera-

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[1] J o h n P a u l II, *On social concern (Sollicitudo Rei Socialis). Encyclical letter. 1988.* United States Catholic Conference: Washington, D.C., p. 74

[2] T. G j a c o, *Human Rights and Universal Responsibility*, http://www.tibet.com/dl/vienna.html.

[3] Cf.: T. G j a c o, http://www.hfhrpol.waw.pl/Tybet/Teksty.html, p.1.

[4] Operations to protect people from attacks (military interventions and peacekeeping operations) and to support the biological survival of people (humanitarian aid).

tions, carried out by the following regional and sub-regional organizations: the North Atlantic Treaty Organization (NATO), the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS), the African Union (AU), The Economic Community of West African States (ECOWAS) , the Economic Community of Central African States (ECCAS), and the Commonwealth of Independent States (CIS). In recent years, the peacekeeping operations have been a primary means of reaction to military conflicts and a primary form the international community have been choosing to express the international solidarity.

In this context – and from the perspective of the effectiveness the idea of solidarity have been implemented with – it is important to determine the position of the operations for ensuring respect for personal rights and freedoms of people – that are a quintessence of solidarity – in the conglomerate of actions offered by peacekeeping missions.

The analyses presented in this volume follow the evolution of UN, NATO and EU peacekeeping operations, and examine Polish participation in the operations to confirm the conclusions they lead to.

I. THE IMPLEMENTATION OF THE IDEA OF SOLIDARITY TO INTERNATIONAL LAW

1. Obligation to respect human rights

The recognition of the right to react in situations of mass violation of human rights and humanitarian law involves the necessity to decide the conflict between the international principle of respect for human rights and the principle of non-intervention in the internal affairs of States, supported by the obligation to respect States' sovereignty. The decision on which of the two is more important determines the range of acceptable actions to protect people from attacks. Changes in the multilateral relations of States and the development of the theory of international relations have influenced the hierarchy of the above mentioned rules.

In the past few years, there has been a redefinition of basic concepts from international law. The most radical changes have been introduced into the notion of sovereignty, which resulted in the depletion of States' rights arising from its definition. The changes in the understanding of sovereignty have been forced primarily by 1) the growing co-dependence of States, and 2) transborder threats to international and national security of States, global peace and stability. The boundaries of States' sovereignty do not seem to be rigidly determined, and their liquidity depends on the context of internal and external affairs of a State, and the degree of threat a State may pose to global security. Equally important is the perception of a State in the context of its stabilizing or destabilizing effect on international relations and the power of its impact on the international arena. Therefore, there are today States "less sovereign than others"[5].

Moreover, a State has limited its exclusive sovereignty over the people subject to its jurisdiction. Due to the process of globalization, a State is no longer the only representative of its citizens in the international arena. Part of this function has been taken over by non-governmental organizations, often transnational organizations (including the economic ones). This situation forced a new perception of people, who are no longer seen only as inhabitants of a particular State, but also as members of the global community[6]. A similar conclusion is also provided by international law, whose development after World War II greatly reduced the scope of State's rights remaining within its own discretion. The creation of international systems of human rights protection – complementary to international regulations – which imposed on States a duty to ensure a minimum level of protection of human rights and start control functions, limited the freedom of States. Such an interpretation has been repeatedly confirmed in many documents of international

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[5] K. M i l l s, *Reconstructing Sovereignty: A Human Rights Perspective*, "Netherlands Quarterly of Human Rights" 1997 (3), p. 279.

[6] *Ibid.*, p. 288.

law, also by the States participating in the CSCE process. The declaration of the 1992 Helsinki Summit says: "We emphasize that the commitments undertaken in the field of the human dimension of the CSCE [including the respect for human rights – J.D.P.] are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. The protection and promotion of the human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security"[7].

An interesting solution between the sovereignty of states and the obligation to respect human rights has been proposed by the International Commission on Intervention and State Sovereignty (ICISS)[8]. Seeking the restrictions of sovereignty, the Commission reworded the most frequently asked question on States' legal rights from 'what is a State entitled to within its borders', to 'what it is not entitled to', and logically concluded – referring to the will of States expressed in the conventions for the protection of human rights, the practice of States and the *iuris cogentis* norms of international law – that States are not entitled to violate the rights and dignity of people. This means that sovereignty causes double obligation: external – the respect for the sovereignty of other countries, and internal - the respect for the rights and dignity of people under the jurisdiction of a State[9]. Gareth Evans, co-chairman of the Commission, noted that such thinking about sovereignty had been "much strengthened by the ever increasing impact of international human rights norms, and the increasing impact in international discourse of the concept of human security"[10].

The recognition of the binding obligation to respect human rights – by a State and the entire international community – does not determine the way the international community may legally demand the respect for the rights. Politicians who speak on the topic adjust the interpretation of law to their own political, economic and other interests, just like Richard Haass, the former director of the U.S. Department of State's Office of Policy Planning, and the current president of the American Council of Foreign Relations, who stated: "Sovereignty entails obligations. One is not to massacre your own people. Another is not to support terrorism in any way. If a government fails to meet these obligations, then it forfeits some of the normal advantages of sovereignty, including the right to be left alone inside your own territory. Other govern-

[7] CSCE Helsinki Document 1992. The Challenges of Change, http://www.osce.org/documents/mcs/1992/07/4046_en.pdf , par. 8, p. 5.
[8] The Commission was established with the inspiration of the Government of Canada (Minister of Foreign Affairs Lloyd Axworthy) with much support from the Governments of Great Britain and Switzerland. Its work was financed largely by U.S. private foundations.
[9] *The Responsibility to Protect. Report of the International Commission on Intervention and the State Sovereignty*, (eds.) G. Evans, M. Sahnoun, Ottawa 2001, p. 13.
[10] G. E v a n s, *The responsibility to protect: humanitarian intervention in the 21st century*. A lecture at Stanford University, 27 February 2002, http://www.garethevans.dynamite.com.au/speechtexts%5CStanford_Wesson_27ii02.htm , p. 5.

ments, including the US, gain the right to intervene"[11]. This interpretation, however, seems too broad and it exceeds the generally accepted exceptions to the prohibition of interference in the internal affairs of a State. Due to the fact that any method of forcing States to act adequately is an interference in their internal affairs, it should be considered whether the international community can intervene in the internal affairs of a State (to defend the respect for human rights) and what action they may undertake.

International law prohibits States (in accordance with the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations of 24 October 1970) and the UN (under the UN Charter, Art. 2, paragraph 7) from interfering in the internal affairs of States. A commonly cited confirmation of the prohibition is the 1986 verdict of the International Court of Justice, concerning military and paramilitary activities of the USA in and against Nicaragua, in which the ICJ ruled that "In view of the generally accepted formulations, the principle forbid[ed] all States or groups of States to intervene directly or indirectly in internal or external affairs of other States"[12]. The ICJ also stated that "[a] prohibited intervention must accordingly be one bearing on matters in which each State [was] permitted, by the principle of State sovereignty to decide freely. (…) Intervention is wrongful when it uses methods of coercion in regard to such choices, which must remain free ones"[13].

Due to the fact that human rights do not belong to the domain of the independent and unlimited discretion of States (a State must comply with international minimum standards to protect and respect human rights), the verdict can not be considered decisive for the examined problem. The respect for the protection of States' sovereignty and the principle of non-interference, viewed as the protection of the strategic security of States and international order, was extremely strong during the Cold War. But after the war ended, a significant change has been observed, particularly in the activities of the UN Security Council (UNSC). The Council, free from a two-block competition, began to more closely respond to the mass violation of the rights of individuals and initiate actions to defend the civilian population. The evolution of the position of SC, at the end of the Cold War, led to the legitimization of limiting the principle of non-interference on the grounds of the respect for the principle of protection of human rights. At the beginning of the 1990s, the Council that started interventions for the protection of people, justified them with the international repercussions of internal conflicts, such as mass flights, which destabilized the situation in the region. It was, therefore, avoiding the charge of internationally unjustified interference in international affairs of a

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[11] R. H a a s s, quotation from: M. P a r r y, *Phyrric Victories and the Collapse of Humanitarian Principles*, "The Journal of Humanitarian Assistance" 2 October 2002, http://www.jha.ac/articles/a094.htm, p. 7.

[12] *Nicaragua v. United States of America*, ICJ Report 1986, http://www.icj-cij.org/docket/files/70/6503.pdf, p. 108.

[13] *Ibid.*, p. 108.

State. A revolutionary interpretative breakthrough took place in 1992, when the UN Security Council passed the Resolution on Somalia (No. 794/92). In the resolution, the SC decided to intervene in internal conflicts, without referring to their international repercussions. An analogous action was taken in Rwanda and Haiti in 1994 (Resolutions No. 929/94 and 940/94). The Council concluded that a serious and mass violation of human rights is in itself a sufficient justification for infringing the principle of noninterference. The Security Council has, therefore, performed *ipso facto* the gradation of principles of international law, which was confirmed by the UNSC resolution 1296 of 2000 that admitted that the attacks on civilians during armed conflicts were in themselves a threat to international peace and security, and empowered the Council to take action[14].

However, in the context of the weakening of the principle of noninterference in internal affairs of States for the protection of human rights, two questions arise: 'may all members of the international community demand from a State the respect for human rights?', and, 'are they all entitled to take action?' The answer to the first question is, undoubtedly, "yes". The second issue raises a lot of controversy, especially in view of NATO's military intervention in Kosovo in 1999. Let's put the UN Security Council's obvious (under international law) right to act beyond the sphere of research, for a while, and consider whether, according to international law, States also have the right to act, independently of the UN.

To answer the question, one should have a closer look at the development of the principle of State responsibility for infringements of international law. Despite the long work of the International Law Commission, the codification of this area has poorly progressed. According to the doctrine of international law, the international responsibility of States arises when a State violates obligations under international law, i.e.: treaty norms, the customary and general principles of international law, as well as the decisions of international organizations, including the unanimous resolutions of the UN General Assembly that develop and support the general principles. "The essence of international responsibility is reduced to the obligation of suffering certain consequences by a State for its conduct of breaching an international obligation, and therefore, the conduct that has given rise to the responsibility"[15]. The principle of State responsibility for a breach of law is itself a norm of *ius cogens*. The right to react generally belongs to the States which are parties to a violated international treaty. Talking on the situation in Chechnya in 1994, Krzysztof Skubiszewski – the former Polish Foreign Minister – said that those countries that were parties to the Geneva Conventions and the Protocol Additional thereto, concerning the victims of non-international conflicts, may demand from Russia the respect for human rights and humanitarian law in Chechnya,

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on the basis of the principle of reciprocity[16]. In accordance with the Code of State Responsibility, drawn up by the International Law Commission, when a State makes a commitment towards the entire international community, which is how one should qualify the obligations concerning human rights, their compliance may be required by each of the States[17]. But there is no agreement concerning possible sanctions – defined as individual coercive measures, equivalent to the sanctions of international organizations – States may apply, even though an armed intervention is sometimes proposed.

The discussion on the legitimacy of the States' right to react should also examine two other issues whose future development may enhance the recognition of the right to take action. The first issue relates to the banning of the war of aggression, and the other concerns the States' obligation to support nations in accomplishing their right to self-determination. On the basis of the existing international law, the discussion becomes a part of the increasingly evident tendency to redefine concepts within international law, which strengthens as a consequence of the ossification of UN structures and the low likelihood of their reform.

International law does not give the current definition of war and armed conflict. An important indicator of their existence is the use of armed force. According to the UN Charter (Article 2), States are bound to refrain from using any force or threat of using force in their international relations. This ban is confirmed by many documents of international law, including the 1970 Declaration on Principles of International law. Moreover, in their mutual relations, States are banned from any form of aggression, defined by the UN General Assembly in the resolution of 14 December 1974 as: "the use of armed force against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations"[18]. For this reason, two questions arise: are States obliged not to use force only in international relations, and, is the use of force by a State within its borders, which involves mass violation of human dignity and rights, inconsistent with the UN Charter? The second question, if answered positively – which, in the context of the obligation to respect human rights, contained in the UN Charter, seems rather obvious – spurs to call for a reinterpretation of the concept of aggression and its expansion to the indiscriminate use of force against civilian people (aggression against civilian people), as well as to extend the principle of the non-use of force by States by their internal relations in situations, where the use of force results in mass violations of the dignity and rights of people, belonging to a specific ethnic group or national minority. The legal sanctioning of the redefinitions would be significant to the extent that other States would have the right to take action against the State that

[16] Cf. W. M a l e n d o w s k i, *Zakaz stosowania siły w prawie międzynarodowym*, in: *Spory i konflikty międzynarodowe. Aspekty prawne i polityczne*, (ed.) W. Malendowski, Wrocław 2000, p. 4.
[17] The text of the UN project: UN Doc. A/CN.4/L.608Add. 2-10.
[18] UN Doc.A/3314/XXIX – Annex.

mass-violates human rights. It would be carried out on the basis of collective self-defense, which, in this case, would be the collective defense of nations, performed by States on their behalf.

The recognition of the States right to react in the defense of people and their rights – that violates the principles of nonintervention – may be strengthened by States obligation to support the Nations' right for self-determination. It is, therefore, necessary to ask whether a State, which brutally and on a mass scale, violates rights of its citizens and threatens their lives, still has the legitimacy to act on their behalf. The denial of the presence of this legitimacy – in situations, where citizens have no possibility to change the government – can be regarded as the restriction of people's right to self-determination. According to the letter of international law, nations are entitled to seek support to realize the right for self-determination, and the international community should ensure the support, especially since supporting this right of nations is an exception to the principle of non-interference in internal affairs of a State, confirmed also in the UN Charter. Like in the case of over-interpreting the possibility to limit States' sovereignty, also in this case, the scope for possible abuses is rather big, which has been proven by the consequences of international recognition of the independence of Kosovo and the following Russian recognition of the independence of Abkhazia and South Ossetia.

In the light of these considerations, it is possible to admit that all States have the right to react in situations, where human rights are mass-violated. This belief has strengthened after the broader interpretation of Article 2 of the UN Charter was applied, changing the right to react into a responsibility. The recognition of the responsibility to respect human rights and react in situations, where human rights are violated, is not identical to the acceptance of the possibility to use any means available to a State.

2. Responsibility to react

Article 2, paragraph 2 of the UN Charter *requires Member States to fulfill in good faith the obligations under the UN Charter.* "All Members shall fulfill in good faith the obligations assumed by them in accordance with the present Charter"[19]. Under Article 1 point 3 of the UN Charter, States are required to protect and promote, and develop and promote the respect for human rights by whatever means possible. In the context of this task, the Charter introduces neither territorial restrictions for the activities of States nor limitations in situations when an obligation expires. Therefore, one may assume – following the words stated in the preamble to the Charter: "We the peoples of the United Nations determined (...) to reaffirm faith in fundamental human rights, in the dignity and worth of the human person" – that States are obliged to take action regardless of the location, impact and internal situation of the State, on the territory of which the infringement

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[19] Charter of The United Nations, http://www.un.org/aboutun/charter/

takes place. The activity of States should aim at ensuring global respect for human rights.

The responsibility to react to violations of human rights is also expressed in the norms of international humanitarian law. Article 1 common to all the Geneva Conventions and the Article 1 of the Protocol additional to the Convention states that: "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances"[20]. It means that international law includes the obligation to promote respect for human rights and humanitarian law. Cornelio Sommaruga, the former President of the International Committee of the Red Cross, speaking about the Geneva Convention, said: "The States (…) have pledged, under the terms of Article 1 common to the four Geneva Conventions, not only to respect but also to ensure respect for the provision of those Conventions in all circumstances. This is an obligation of universal solidarity vis-à-vis all war victims. The victims' rights to receive assistance and protection, whoever they are and wherever they may be, this inalienable right laid down by law, therefore concerns each and every one of us"[21]. According to the 2000 report of two Dutch commissions of international law – the Advisory Committee on International Relations and the Advisory Committee on Public International Law: "The international duty to protect and promote the rights of individuals and groups has thus developed into a universally valid obligation that is incumbent upon all states in the international community, both individually and collectively"[22].

Given that the UN Charter is the most fundamental and universally binding document of international law, and the Geneva Conventions are also regarded as universally applicable, one may admit the existence of the collective responsibility of States for the observance of human rights worldwide. "To speak of the social or political responsibility of the international community to ensure respect for humanitarian principles [arising from human rights and humanitarian law – J.D.P] is not as heretical as it might have seemed a few decades ago"[23]. The degree of approval of the international community for that assertion is now much greater than when the UN Charter was enacted and the Geneva Conventions accepted. Javier Pérez de Cuéllar, the former UN Secretary-General, reaffirms this position, believing that States are bound by a collective obligation to provide aid in time of humanitarian disasters[24]. In the resolution of 19 December 1991 (No. 46/182), the UN General Assembly stated explicitly that the primary responsibility for protecting human

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[20] The Geneva Conventions and Their Additional Protocols, http://www.icrc.org/Web/Eng/siteeng0. nsf/htmlall/genevaconventions.

[21] C. S o m m a r u g a, *Keynote Address*, "International Review of the Red Cross" 1996 (1-2), p. 28.

[22] *Humanitarian intervention.* Report on Advisory Council on International Affairs and Advisory Committee on Issues of Public International Law (Report no 13), Hague 2000, p. 24.

[23] L. B o i s s o n de C h a z o u r n e s, *The collective responsibility of states to ensure respect for humanitarian principles*, in: *Monitoring Human Rights in Europe. Comparing International Procedures and Mechanisms*, A. Bloed, L. Leicht, M. Nowak, A. Rosas (eds.), Dordrecht 1993, p. 247.

[24] Cf. *The State of the World Refugees 1993. The Challenge of Protection*, Geneva 1994, p. 75.

rights lay with national governments[25]. In the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on the 9th December 1998 as Resolution 53/144, the duty has been extended to all members of the international community.

The solution to the dilemmas between the protection of human rights and sovereignty and nonintervention in the internal affairs of States - namely "the responsibility to protect" (R2P) - has been launched by the International Commission on Intervention and State Sovereignty, which said that the obligation to protect the population was a new principle of international customary law[26], evident in the practice of States and international organizations. According to Gareth Evans – co-chair of the ICISS, the responsibility to protect is an "umbrella concept" that includes three elements: the prevention of human rights violation (responsibility to prevent), the reaction to the violation (responsibility to react) and reconstruction after the violation occurs (responsibility to rebuild)[27]. It constitutes an accompanying international mechanism, started when a State, on the territory of which mass attacks on civilian people take place, fails to fulfill the primary responsibility to guarantee the respect for the dignity and rights of people within its jurisdiction, which has been imposed on it.

The idea of R2P was well received by the international community and integrated into the UN work to strengthen the respect for human rights and dignity. In 2005, the World Summit Declaration of the UN General Assembly confirmed that each State had a duty to protect their own citizens, and the international community was obliged to help protect people. "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. (…) The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities

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[25] The UN General Assembly Resolution which led to the creation of DHA (Department of Humanitarian Affairs), UN Doc. A/RES/46/182.

[26] *The Responsibility to Protect…*, p. 74.

[27] G. E v a n s, *op. cit.*, p. 6.

are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity"[28]. Such an interpretation was confirmed by the Security Council resolution on the protection of civilians during armed conflicts, released in 2006[29].

In situations of mass and serious violations of human rights, the responsibility to react, required from the international community, is even stronger, which is consistent with the logic and requirements of "social conscience". This approach can be confirmed by a quote from Article 89 of Additional Protocol I to the Geneva Conventions: "In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter"[30].

Mass and serious assaults on the dignity, inviolability and security of people, seen as a violation of basic human values, but primarily, as the non-compliance of international law, should meet with the disapproval and reaction of all members of the international community – and be responded to within the collective responsibility of States. But the way States react to armed conflicts and the indiscriminate attacks on civilians during the conflicts convinces that States as well as other members of the international community do not always comply with the obligation that has been imposed on them. Resolution XXIII, adopted by the participants of the World Conference on Human Rights in Tehran in 1968, said that the reason for that was the fact that: "States parties to the Red Cross Geneva Conventions sometimes fail to appreciate their responsibility to take steps to ensure the respect of these humanitarian rules in all circumstances by other States, even if they are not themselves directly involved in an armed conflict"[31].

It seems, however, that States often do not want to realize the obligation they are bound with, which has been proven by their different reactions to similar violations of human rights and humanitarian law. Inadequate reactions to the conflicts of the past decade, including Bosnia and Herzegovina, Rwanda, Chechnya and Darfur, a late response to the situation in East Timor, and an almost panic reaction to the situation in Kosovo serve as good examples. Iain Guest of the UN High Commissioner for Refugees, commenting on the actions of the Security Council against the conflict in Bosnia and Herzegovina, said that political squabbles among the permanent members of the Security Council had "killed the hope" to stop the ethnic nationalism and aggression, and in Rwanda, the lack of reaction resulted from the ignorance of the members of the Council. In both cases, one may talk about a particularly evident lack of

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[28] 2005 World Summit Declaration, p. 138-139, UN Documentation Office, UN Doc. A/RES/60/1.

[29] The UN Security Council Resolution1674 of 28 April 2006 r., UN Doc. S/2006/1674.

[30] The Geneva Conventions and Their Additional Protocols, http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/genevaconventions .

[31] Human Rights in Armed Conflicts. Resolution XXIII adopted by the International Conference on Human Rights. Teheran, 12 May 1968. http://www.icrc.org/ihl.nsf/FULL/430?OpenDocument.

political will to act[32]. Shaping their own way to react to violations of human life, dignity and rights, States are guided by their own national interests, and their political pragmatism makes them noncompliant with the responsibility to react. They are not willing to condemn, let alone take action against any state important to the development of their vital national interests. "Experience shows that states will not intervene against allies, friendly governments, major powers, or states within major powers' immediate sphere or influence, however badly their governments may behave"[33]. States rarely intervene when „the crisis is taking place in an area that is geographically remote or of little strategic value or interest to the media"[34]. When reactions to violations of human rights are determined by political interests, double standards for assessment are usually applied. In consequence, analogous situations are qualified differently, which allows practices in accordance with the current political interests. Political pragmatism delays reactions of both, governments and international organizations, whose activity is dependent on political decisions of their members. Their actions against violations of human rights – if taken at all – are usually very belated. An example of this situation is a repeated decision-making paralysis of the UN Security Council, caused by the use of the veto right by one of its permanent members. Another important example is the failure to prevent the conflict in former Yugoslavia in the early nineties. "The events which led to the outbreak of hostilities in Slovenia, Croatia, and finally, on a much larger scale, in Bosnia and Herzegovina, become a source of serious human rights violations. This happened not because the international community did not have means to prevent the conflict, but because they lacked the will to employ them. The lack of will resulted from many reasons, among which an important place was occupied by specific interests of the States that decided about activities of international organizations"[35].

The realization of national interests of States often leads to the negligence of the respect for human rights and their protection during peace negotiations, when they recede into the background. During the diplomatic negotiations that aimed to end the conflict in former Yugoslavia, "human rights [were] treated instrumentally within that context. They [were] used as an additional element of diplomatic pressure. Negotiators were unable to draw any consequences from the fact that systematic violations of human rights have been committed during the peace negotiations"[36].

Similar comments appeared on the Dayton Peace Agreement[37] that ended

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[32] I. G u e s t, *Refugee Protection in a Lawless World*, "Human Rights Tribune" 1999 (1) www.hri.ca/cftribune/templates, p. 5-7.

[33] *Humanitarian intervention …*, p. 12.

[34] *Ibid.*

[35] R. W i e r u s z e w s k i, *Społeczność międzynarodowa wobec masowych naruszeń praw człowieka w byłej Jugosławii*, „Sprawy Międzynarodowe" 1998 (3), p. 108.

[36] R. W i e r u s z e w s k i, *Case Study of the Former Yugoslavia: the International Mechanisms, Their Efficiency and Failures*, in: *Monitoring Human Rights in Europe…*, p. 309.

[37] The agreement was initialed in Dayton on 21 November 1995, and signed in Paris on 14 December 1995.

the war in Bosnia and Herzegovina (also called the Milošević-Holbrooke Agreement); "Holbrooke's opponents argue that the price paid for the signature was too high. Although the agreement ended the war, it legalized murderous expulsions"[38].

By supporting the right and responsibility to respect, protect and promote human rights, international organizations, including the UN, promote and develop the culture of human rights protection. Its elements are realized when: (1) international organizations make sure the parties of armed conflicts respect the principles of human rights and humanitarian law, (2) all members of the international community react to the bad situation of civilians during conflicts, (3) adequate protection, resulting from the responsibility for the level of respect for human rights taken by States, is provided . These activities are carried out largely as a part of peacekeeping operations.

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[38] E. F o l l a t h, *Kosowo – rekonstrukcja wojny*, „Forum" April 2, 2000 (reprint after: „Der Spiegel" January 3, 2000), p. 14.

II. THE SOLIDARITY OF NATIONS AS EXPRESSED TODAY

1. UN peacekeeping operations

For over 40 years of the Cold War, peace operations served as the sole measure for exerting direct influence in the areas of armed conflict. Introduced on the initiative of the UN Secretary General, Dag Hammarskjöld, they almost completely replaced the ineffective system of armed interventions. The authority bestowed upon the Security Council by virtue of Article 40 of the UN Charter, which enables the Council to issue interim orders (which neither have the nature of sanctions nor the nature of direct and indirect coercive measures) was transformed into an elaborate system of military actions. As a result, the gap existing between Chapters VI (*Pacific settlement of disputes*) and VII (*Action with respect to threats to the peace, breaches of the peace and acts of aggression*) of the UN Charter was successfully filled, and the peacekeeping operation mechanism has ever since been referred to as belonging to "Chapter Six-and-a-Half" of the Charter. Although the two-bloc rivalry is now over, peace operations remain the most effective peacemaking, peacekeeping and peacebuilding mechanism in conflict-prone regions of the world, and hence the mechanism to implement the idea of solidarity and fulfil the responsibility to protect human rights.

After the end of the Cold War, the traditional shape of peace operations whereby the commencement of operation (and deployment of peacekeeping forces) required the consent of all conflict parties, mission operations did not interfere with the rule of impartiality towards conflict parties, and an operation's mandate restricted the right to use armed forces only to self-defence – turned out to be highly ineffective. The model of a Cold War peace operation reflected the UN three-stage mode of action. In the model, activities were initiated by preventive diplomacy, which aimed to prevent the outbreak of a conflict. If this strategy failed, a peacemaking action was launched, which lasted until an agreement was signed and military operations were discontinued. Afterwards, a peacekeeping action was initiated in order to monitor the observance of the agreement – mainly relating to ceasefire. Those actions, however, did not, actually, help solve a conflict or ensure protection for the civilians remaining in its area. Instead, they only kept the conflict frozen. "Conventional peacekeeping (…) cured symptoms of the conflict rather that its causes"[39]. The outbreak of nationalist conflicts in the 1990's, which resulted in mass violations of human rights, uncovered the inefficiency of traditional peacekeeping operations.

Debates on the need for change, and on the crisis of UN peacekeeping operations, became especially heated after the defeats in Somalia, Rwanda,

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[39] *Report of the Panel of UN Peace Operations (Brahimi Report)*. A/55/305 – S/2000/809, Part II, p. 2.

as well as Bosnia and Herzegovina, producing a conviction that the UN must be reformed. The following documents became the milestones of the reform: 1) *Report of the Panel on United Nations Peace Operations* of 2000, also called the *Brahimi Report*, 2) *Report of the Secretary-General's High-level Panel on Threats, Challenges and Change: A more secure world: Our shared responsibility* of 2004; 3) *"Peace operations 2010" reform strategy* of 2005, and 4) *United Nations Peace Operations. Principles and Guidelines* of 2008, shortly referred to as *Capstone Doctrine*[40]. In 2008, while celebrating the 60th anniversary of peacekeeping operations, the UN was also implementing the final stage of the reform: a fundamental redevelopment of the Department of Peacekeeping Operations and the start-up of the Department of Field Support. The aim of the reform is to guarantee the capability to exert effective impact on a conflict area and fulfil a mission mandate thoroughly by strengthening coordination and cooperation between all international actors present in the operation area. Besides the pronounced improvement of conflict-prevention measures, it remains one of the major operational priorities for the UN Secretary General, Ban Ki-Moon, to strengthen UN's ability "to play its role to the fullest extent in conflict prevention, peacemaking, peacekeeping, and peacebuilding"[41].

In addition to operational coordination and support being considerably improved, basic differences between currently launched missions and those carried out back in the Cold War era include: blurring the divisions between different types of operations, increasing the scope of tasks inscribed in mission mandates, undermining the need for observing the rule of equal treatment of conflict parties, and questioning the ban on the use of force in cases other than self-defence.

At present, in the face of non-structured, usually non-international armed conflicts, the three basic operation types – *peacemaking* (together with *conflict prevention*), *peacekeeping* and *peacebuilding*[42] – tend to merge with one another and evolve into a complex of multilateral, multilevel operations of political and military nature. Throughout the duration of an armed conflict, it is *peacekeeping* that constitutes the mission's foundation. However, important elements of *peacebuilding* are also intertwined, involving short-term actions supported by long-term initiatives. This strategy is expected to help eradicate the causes of conflicts rather than just their symptoms. At the same time, *peacemaking* activities are being carried out, their goal being to prevent and mitigate hostile actions of the parties.

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[40] 1) A/55/305 – S/2000/809, 21 August 2000; 2) A/59/565, 2 December 2004; 3) A/60/696, 24 February 2006; 4) *United Nations Peace Operation. Principles and Guidelines*, DPKO, app. by J.-M. Guéhenno, New York 2008.

[41] *Peacekeeping restructures to strengthen field operations*, "United Nations Peace Operations. Year in Review" 2007, p. 7.

[42] *Report of the Panel of UN Peace Operations…*. According to traditional definitions, peacemaking operations address conflicts in progress, attempting to bring them to a halt using the tools of diplomacy and mediation. Peacekeeping operations mainly focus on separating combatants and observing ceasefires. Peacebuilding operations consist in restoring the foundations of economic, social and political reality in a post-conflict area.

Reaching beyond the framework of the Cold War actions – which focused on restoring peace and security through supervising the separation of armed forces of conflict parties, and monitoring ceasefires – the tasks and objectives of current operations comprise, among others: protection of civilian population during ongoing armed conflicts, protection of victims and potential victims as well as evacuation of civilians and ensuring their security, e.g. by separating combatants or by creating safe zones, protection of humanitarian aid, restoration of peace in the region, supporting the establishment of local authorities, e.g. by observing the election process. Although operations launched in the early 1990's already featured tasks relating to human rights laws and humanitarian laws, it was not until the late 2010's that fully coordinated operations could be successfully launched, in which the protection of people, their life, dignity and rights started to become effective. Among the first humanitarian operations were: United Nations Operation in Mozambique (UNOMOZ), carried out from 1992 to 1994, whose mandate obliged troops to protect, coordinate and supervise humanitarian aid; United Nations Transition Assistance Group (UNTAG) in Namibia, conducted from 1989 to 1990, whose tasks also encompassed safeguarding the return of refugees and the election process; United Nations Assistance Mission for Rwanda (UNAMIR) carried out between 1993 and 1996, whose tasks included protecting humanitarian aid, civilian population and refugees, as well as developing security zones; *United Nations* Transitional Authority in Cambodia (UNTAC) from 1992 to 1993, during which troops were obliged to supervise the observance of human rights, repatriation process and refugee settlement; United Nations Protection Force (UNPROFOR) in former Yugoslavia, which between 1992 and 1995 was to ensure demilitarisation and protection of civilians in safe zones; United Nations Observer Mission in Liberia (UNOMIL), carried out from 1993 to 1997, whose tasks included monitoring the observance of human rights and reporting violation, as well as supporting humanitarian aid personnel.

The process of contemplating the scope of civilian protection activities during peacekeeping operations resulted in the adoption of *Aide Mémoire* by the UN Security Council (15 March 2002). In the document, the Council defined a number of desirable actions to be taken by members of peacekeeping missions. It was noted, however, that due to the specificity of individual conflicts, it could not be regarded as a concrete plan, but only as a set of guidelines. Some of the tasks to be fulfilled by peacekeeping forces were:

• separating civilians and armed forces – effected e.g. by ensuring external and internal security in refugee camps;

• protecting women from gender-based discrimination, violence, rape and other forms of sexual abuse, e.g. by facilitating access to crisis centres and shelters;

• protecting children, e.g. by preventing the recruitment of child soldiers, taking effective measures to demobilise child soldiers, and to reunify them with their families;

• ensuring access of humanitarian assistance to vulnerable populations – effected by facilitating the delivery of humanitarian aid, engaging in sustained dialogue with all parties to the conflict, etc.

• minimising unintended adverse side effects of sanctions on the civilian population – e.g. by means of humanitarian exemptions in sanction regimes;

• ensuring security of humanitarian and associated personnel;

• supporting stabilisation – e.g. by disarmament, demobilisation and re-integration of combatants[43].

The extending scope of tasks related to the protection of human rights and dignity, along with the alarming increase in the number of attacks on civilian population during armed conflicts, initiated a debate on the right to use force against one of the parties to the conflict, which would entail the abandonment of neutrality by peacekeepers. Particularly strong criticism was voiced after Serbian troops attacked Srebrenica, situated in a UN safe zone. With the use of force prohibited for any purpose other than self-defence, Dutch troops helplessly witnessed mass crimes perpetrated on the civilian population. Unquestionably, according to the *Brahimi Report*, UN peacekeepers "must be able to carry out their mandate professionally and successfully. This means that United Nations military units must be capable of defending themselves, other mission components and the mission's mandate"[44]. However, the decision to use force should not be equated with abandoning impartiality by UN forces, but rather with rejecting neutrality and taking into account which party to the conflict is the aggressor, and which of them has perpetrated flagrant and mass attacks on civilian population. Moreover, the use of force is not in contradiction with operation objective, even though it does call into question its peacekeeping nature. In such a situation it must be acknowledged that the measure aims to restore one of the foundations of peace, namely the respect for human rights and dignity. According to the *Brahimi Report*, "[r]ules of engagement should not limit contingents to stroke-for-stroke responses but should allow ripostes sufficient to silence a source of deadly fire that is directed at United Nations troops or at the people they are charged to protect and, in particularly dangerous situations, should not force United Nations contingents to cede the initiative to their attackers"[45]. What appears to be the key determinant of the success – understood as ensuring effective protection of civilians – is a proper adaptation of peacekeepers' mandate to individual characteristics of a conflict (which includes granting the right to use force). The mission in Rwanda (UNAMIR), whose mandate was too restrictive, ended in miserable failure. Pursuant to the Arusha Accords, signed in August 1993 to "put end"

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[43] UN Security Council Presidential Statement. Aide Mémoire for the consideration of issues pertaining to the protection of civilians during the Security Council's deliberation of peacekeeping mandates, UN Doc. S/PRST/2002/6.

[44] *Report of the Panel of UN Peace Operations …*, Part II, p. 7.

[45] *Ibid.*, p. 7.

to the three-year civil war, the role of international peacekeeping forces was limited to ensuring state security, broadly understood. The UN Security Council further restricted the mandate to safeguarding the region of Kigali exclusively, and deemed it unnecessary to oblige mission members to disarm military groups, even though this task was included in the Arusha Accords. The Council decided to launch a traditional, severely curtailed peacekeeping operation[46]. As was the case in Bosnia and Herzegovina, mission members were not authorised to use force, although it was a necessary condition for ensuring civilian protection. In effect, they failed to prevent genocide.

Critics claim that the inclusion of the right to use force in a peacekeeping mandate creates a serious risk of subjectivism and haphazard behaviour. There is no denying that such a risk potentially exists, but without being given the authority to use force, peacekeepers, obliged to protect civilian population, will not be able to fulfil this task. During such actions, the right to use force is one of the preconditions for effectiveness. The *Brahimi Report* states that the inclusion of authority to use force in the mandate "means bigger forces, better equipped and more costly, but able to pose a credible deterrent threat, in contrast to the symbolic and non-threatening presence that characterizes traditional peacekeeping"[47].

With the extended scope of tasks and modified traditional characteristics of peacekeeping actions, it has become a necessary condition for effective operation to ensure multilateral cooperation of international (intergovernmental and non-governmental) organisations and their specialist agendas remaining in conflict zones. Mutual support is especially needed in the case of activities focused on human rights protection.

In the first human rights related operations, carried out after the end of the Cold War, no formal relations existed between members of peacekeeping missions and UN representatives responsible for monitoring the observance of human rights. As Ian Martin stated, the first four operations relating to human rights protection – i.e. those in Salvador, Guatemala, Haiti and Cambodia – had been prepared by the UN Political Department " in virtual isolation from human rights mechanisms and without support from the personnel of the Centre for Human Rights in Geneva"[48], even though the representatives of the Commission on Human Rights did work in those countries. For this reason, the Office of the High Commissioner for Human Rights (OHCHR), established under the UN General Assembly's decision of 20 December 1993, began to carry out concurrent and independent operations aiming to strengthen respect for human rights (the first such operation being Human Rights Field Operation in Rwanda - HRFOR). The development of closer cooperation between individual UN bodies resulted in the inclusion of human

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[46] L. M e l v e r n, *The Security Council: behind the scenes*, "International Affairs" 2001 (1), p. 104.

[47] *Report of the Panel of UN Peace Operations ...*, Part II, p. 7.

[48] I. M a r t i n, *A New Frontier: The Early Experience and Future of International Human Rights Field Operations*, "Netherlands Quarterly of Human Rights" 1998 (2), p. 122.

rights personnel in peacekeeping missions, e.g. United Nations Angola Verification Mission (UNAVEM III, later transformed into MONUA), operating since 1995, as well as UNOMIL.

The model of peacekeeping operations involving the protection of human rights was evolving for around a dozen years. In the report on *Building a partnership for human rights*, the High Commissioner for Human Rights, José Ayala-Lasso, commented on the state of affairs at the beginning of 1997 in the following words: "In some countries, the human rights presence has been established as an autonomous project, in others it is part of a broader United Nations involvement as in the case of the United Nations human rights programme for Abkhazia, Georgia. Some operations integrate assistance and monitoring functions, whereas others are mandated exclusively in the area of technical assistance"[49]. In currently launched operations, tasks involving the protection of civilians against assault, or monitoring the observance of rights and basic freedoms, are incorporated in the mission mandate. In spite of this, the guidelines set by Ian Martin, Chief of HRFOR – pertaining to the basic components that ought to be embedded in the structure of a peacekeeping operation mandate so as to help it effectively protect human rights and promote respect thereof – still hold true. When analysing methods of conducting and organising UN operations, he discriminated between five basic elements:

• UN human rights field presence must be part of the overall UN strategy for building peace and accomplishing transition;

• human rights monitoring and reporting must be independent of political pressures;

• effective coordination and close cooperation between the peacekeepers and organisations operating in the conflict area is indispensable;

• human rights activities must receive professional guidance and support, and must be coordinated with the different mechanisms of the UN human rights system;

• UN operations must be provided with effective administrative and logistical support, human rights-related activities being given priority[50].

In comparison with conventional peacekeeping missions, combining peacekeeping operations with operations focused on post-conflict reconstruction and stabilisation of a region (or a country) increases the probability of achieving stable peace and thus considerably improves the humanitarian situation. The extension of a peacekeeping operation to satisfy the need for strengthening the respect for human rights, as well as the extension of peacekeepers' rights to include the possibility of using force in order to protect civilians, allows the achievement of more effective protection of dignity, inviolability and security of populations, during armed conflicts. It is especially true because, as Kofi An-

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[49] Report of the High Commissioner for Human Rights: Building a partnership for human rights of 24 February 1997, UN Doc. E/CN.4/1997/98, par. 29, p. 11.
[50] I. M a r t i n, *op. cit.*, p. 136.

nan said, "human rights are a key element in peacemaking and peacebuilding efforts and should be addressed in the context of humanitarian operations"[51]. However, the basic condition for the effectiveness of a peacekeeping operation is a rapid response to mass violations of human rights. It was a fundamental error in shaping UN peacekeeping operations of the 1990's that the reaction to infringements of international law came too late and was too limited. Hesitance, lack of political will to act, and reluctance to bear operation costs had the most tragic final in Rwanda, although many other conflicts – especially in Africa, e.g. Sierra Leone – resulted in as much bloodshed and violence towards civilians as the one between Tutsi and Hutu.

UN peacekeeping operations remain the most far-reaching missions, extending to all corners of the globe, and encompassing all types of international activities: peacemaking, peacekeeping and peacebuilding. Since the beginning of the first mission in 1948, the UN carried out 68 peacekeeping operations. As at 30 September 2008, 16 peacekeeping operations were in progress (three political missions being additionally conducted by the UN Department of Peacekeeping Operations, namely UNAMA, UNOSIL and BINUB). The total number of personnel serving in the operations was 111,612, including 88,754 uniformed personnel (74,656 troops; 11,529 police and 2,596 military observers). Twelve peacemaking and peacebuilding operations (as at 20 September 2008) comprised 3,750 personnel (including 352 uniformed personnel)[52].

| Table 1 |
Current UN peacekeeping operations (as of 30 September 2008)
United Nations Truce Supervision Organization – UNTSO
United Nations Military Observer Group in India and Pakistan – UNMOGIP
United Nations Peacekeeping Force in Cyprus – UNFICYP
United Nations Disengagement Observer Force – UNDOF
United Nations Interim Force in Lebanon – UNIFIL
United Nations Mission for the Referendum in Western Sahara – *MINURSO*
United Nations Observer Mission in Georgia – UNOMIG
United Nations Interim Administration Mission in Kosovo – UNMIK
United Nations Organization Mission in the Democratic Republic of the Congo – *MONUC*
United Nations Mission in Liberia – UNMIL
United Nations Operation in Côte d'Ivoire – UNOCI
United Nations Stabilization Mission in Haiti – *MINUSTAH*
United Nations Mission in the Sudan – UNMIS
United Nations Integrated Mission in Timor-Leste – UNMIT
African Union/United Nations Hybrid operation in Darfur – *UNAMID*
United Nations Mission in the Central African Republic and Chad – *MINURCAT*

Source: Author's balance sheet.

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[51] Renewing the United Nations: A Programme for Reform. Report of the Secretary-General, dated 14 July 1997, UN. Doc. A/51/950. p. 54.

[52] DPKO Background Note, http://www.un.org/Depts/dpko/dpko.

Table 2
Current UN peacemaking and peace-building operations (as of 30 September 2008)

United Nations Political Office for Somalia – UNPOS
United Nations Peacebuilding Support Office in Guinea-Bissau UNOGBIS
Office of the United Nations Special Coordinator for the Middle East – UNSCO
United Nations Peacebuilding Office in the Central African Republic – BONUCA
Office of the United Nations Special Coordinator for Lebanon – UNSCOL
Office of the Special Representative of the Secretary-General
for West Africa - UNOWA
United Nations Assistance Mission in Afghanistan – UNAMA
United Nations Assistance Mission for Iraq – UNAMI
United Nations Integrated Office in Sierra Leone – UNIOSIL
United Nations Integrated Office in Burundi - *BINUB*
United Nations Mission in Nepal – UNMIN;
United Nations Regional Centre for Preventive Diplomacy for Central Asia
– *UNRCCA* Special.

Source: Author's balance sheet.

2. NATO peacekeeping operations[53]

With NATO's role redefined in the 1990's, the Alliance has become the key guarantor of safety in the Euro-Atlantic region. The evolution of NATO's involvement in peacekeeping operations – initiated by its will to participate in OSCE's peacekeeping operations (as expressed on 4 June 1992)[54], and UN operations (17 December 1992)[55] – has resulted in NATO's acceptance of responsibilities exceeding the scope of the North Atlantic Treaty that brought the organisation into existence. As a result of the tasks being extended, and after agreeing to conduct missions outside the territories of its member states – as declared in the Rome Declaration on peace and cooperation of 8 November 1991 – NATO went evidently beyond the typical activity of a collective self-defence organisation, assuming the role of a collective security organisation. The process was augmented by the broad cooperation with non-Alliance countries, especially within the framework of the Partnership for Peace (PfP) and the Euro-Atlantic Partnership Council (EAPC).

The stage-structured evolution of NATO's involvement in peacekeeping operations became more evident in relation to the region of former Yugoslavia – particularly Bosnia and Herzegovina. The first NATO operation during this armed conflict – conducted jointly with the WEU – consisted in monitoring

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[53] Two defence operations are not regarded as peacekeeping projects: *Air Policing* carried out in the Baltic states, and the counter-terrorist *Active Endeavour* mission whose task was to patrol the Mediterranean Sea.

[54] Ministerial Meeting of the North Atlantic Council, Oslo 4 June 1992. Final Communiqué, press release dated 4 June 1992, NATO Doc. M-NAC-1 (92)105, p. 2.

[55] Ministerial Meeting of the North Atlantic Council, Brussels 17 December 1992. Final Communiqué, press release dated 17 December 1992, NATO Doc. M-NAC-2(92)109, p. 2.

(by air and naval forces) the observance of the ban on supplying weapons to former Yugoslav republics, after the UN Security Council imposed an embargo. NATO gradually expanded its activity in this respect, carrying out inspections, detaining ships in the Adriatic, and forcing vessels to turn back whenever they violated the embargo. Moreover, the Alliance was monitoring the no–flight zone over Bosnia and Herzegovina (during which operation – as authorised by the UN Security Council resolution 816 (1992) - NATO fighter aircrafts brought down four military aircrafts of Bosnian Serbs, which violated the ban on 28 February 1994). On 9 February 1994, the North Atlantic Council of NATO threatened to air-raid Bosnian Serbs' troops that held Sarajevo under fire. Two months later, the Council decided to extend this security measure over all towns designated as security zones. Although the attacks on the troops bombarding Sarajevo were not launched, NATO's decision was an important step leading to intensified actions for the protection of civilian populations in the course of armed conflicts. It was also a milestone decision of European NATO members – taken as a result of the ineffectiveness of UN actions – to create Rapid Reaction Forces totalling 14 thousand troops (mainly British and French). On 25 July 1995, following the Srebrenica genocide, NATO decided to dispatch the troops to Bosnia in order to protect civilians in security zones and to safeguard humanitarian aid personnel. From 28 August to 17 September 1995 – upon authorisation of the UN Secretary General – the Alliance carried out 3515 air-raids on Serbian troops, destroying such targets as supplies of ammunition and weapons, as well as transport nodes, eventually forcing Serbs to cease fire.

During the conflict in Bosnia and Herzegovina, NATO had come a long way from supporting UN efforts to become the key initiator of actions enforcing ceasefires and cessation of attacks on civilians. After the conflict came to an end, the UN Security Council – in its resolution 1031 (1995) – appointed NATO as the leader of Operation Joint Endeavour, organised with a view to stabilising the situation in Bosnia and Herzegovina, and to supervise the enforcement of the Dayton peace accords. It was the first independent operation of the Alliance, which may be interpreted as NATO's commitment to take full responsibility for securing peace in Bosnia and Herzegovina. This responsibility was further reflected in the activity of NATO-led Implementation Forces (IFOR) and Stabilisation Forces (SFOR), which had the authority to use force. Sixty thousand strong IFOR forces were deployed on 16 December 1995. Their task was completed in September 1996, when elections were peacefully held in Bosnia. On 20 December 1996 (i.e. the day after IFOR mandate expired), pursuant to the UN Security Council resolution 1088 (1996), the NATO-commanded SFOR forces began to carry out its mission, their total number having been reduced to 31 thousand soldiers. The major task included maintaining stability and peace, and supporting the effective operation of other international organisations in the post-conflict area. The composition of SFOR was altered on three occasions (in 1999, 2002 and

2004), their strength being changed to 32 thousand, 19 thousand and finally 7 thousand. Taking into account the whole period when SFOR was operable, the forces comprised the following NATO Member States: Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Germany, Great Britain, Greece, Hungary, Iceland, Italy, Luxemburg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, and the United States, as well as non-allied countries: Albania, Argentina, Austria, Chile, Estonia, Finland, Latvia, Lithuania, Morocco, Russia and Sweden. Two more countries were additionally involved, their soldiers serving as part of the British contingent - they were Australia and New Zealand. The mission of SFOR ended on 2 December 2004, its responsibilities were taken over by the European Union's EUFOR.

On 24 March 1999, NATO took yet another major step in fulfilling its responsibility to protect human rights, deciding to launch the humanitarian intervention in Kosovo. However, this undertaking fell beyond the scope of internationally acceptable measures. Without the authorisation of the UN Security Council, NATO's action was in fact the commencement of war in order to protect people – it thus fulfilled the objective set out as part of the obligation to protect human rights, but at the same time violated other provisions of international law. The operation received the unanimous support of all NATO member states.

Fuelled after the military intervention in Afghanistan and Iraq, the international debate on the admissibility of unilateral actions by states or organisations led to the expression – during the 60th session of the UN General Assembly – of the will and right of countries to take steps to protect human rights only (!) through actions of the Security Council, and in compliance with the UN Charter (*2005 World Summit Declaration*). Armed activities outside the territory of one's state may be carried out upon request of a national government (peacekeeping operations) and/or upon authorisation of the UN Security Council (peacekeeping operations and humanitarian interventions). However, it is by no means certain that NATO would not take unilateral action in a situation resembling the one in Kosovo – if an ethnic or national group was exterminated – especially if it happened in the Euro-Atlantic region.

In accordance with the UN Security Council resolution that authorised "Member States and relevant international organizations to establish the international security presence in Kosovo"[56], the 1999 intervention turned into NATO's long-standing involvement in strengthening peace in Kosovo that took the form of Kosovo Force - KFOR. On 7 December 2007, following the decision of NATO Foreign Ministers, KFOR's presence in Kosovo was extended until the moment when the UN Security Council deems its mission accomplished.

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[56] UN Doc. S/RES/1999/1244.

Specified in the aforementioned resolution of the Security Council, the tasks carried out by KFOR are a direct fulfilment of the responsibility to protect. They include:

"(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces (…);

(b) Demilitarising the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups (…);

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations"[57].

In the course of their mission, KFOR soldiers frequently went beyond the scope of the above-mentioned tasks, supporting the implementation of the international civilian mission – United Nations Interim Administration Mission in Kosovo (UNMIK) – being directly involved in the reconstruction of the province and other projects. The humanitarian justification for the prior armed intervention placed a specific duty on the Alliance to provide assistance to victims of the conflict. NATO provided organisational and logistic support to humanitarian organisations, enabling them to ensure – for the most part – shelter, ample supplies of food, water and other assistance to incoming civilians. This was a reaction to a massive influx of refugees to countries and regions adjacent to Kosovo. In Albania, where around 445 thousand refugees found shelter, NATO's logistic support (part of the operation *Allied Harbour*), acting jointly with AFOR's mission, determined the success of humanitarian support. Among other things, NATO troops implemented a navigation system at Tirana airport, which allowed to receive and service up to 100 aircrafts a day; in Durres, they deepened the harbour entrance channel, which increased marine traffic from 12 to 18 vessels a day. Moreover, the soldiers constructed more than 200 km of roads, and the vehicles they rendered available to humanitarian organisations allowed to distribute one thousand tons of humanitarian aid daily[58]. 24 NATO countries have been involved in the KFOR

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[57] UN Security Council resolution of 10 June 1999, UN. Doc. S/RES/1244, p. 3.

[58] A.M. F i t z - G e r a l d, C.F.A. W a l t h a l l, *An Integrated Approach to Complex Emergencies: The Kosovo Experience*, "The Journal of Humanitarian Assistance" 16 August 2001, http://www.jha.ac/articles/a071.htm, p. 3.

operation: Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Great Britain, Greece, Hungary, Italy, Latvia, Lithuania, Luxemburg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, and the United States, as well as 8 non-NATO countries: Armenia, Austria, Finland, Ireland, Morocco, Sweden, Switzerland, and Ukraine, with a total of 14,759 soldiers (as at 18 June 2008).

The commencement of the military intervention in Kosovo, along with the resulting peacekeeping presence of KFOR, coincided with NATO's adoption of a new security strategy, in which the Alliance declared a will to conduct peacekeeping operations, thus confirming its shared responsibility for peace and security in the Euro-Atlantic area. The vision of peacekeeping operations, included in the strategy, defined the course of development for Allied operations over the following years. Successive operations – those carried out in Macedonia, and especially the mission in Afghanistan – influenced the final shape of the vision.

Source material 1
The Alliance's Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999

"NATO has played an essential part in strengthening Euro-Atlantic security since the end of the Cold War. Its growing political role; (...) its collaboration with other international organisations; its commitment, exemplified in the Balkans, to conflict prevention and crisis management, including through peace support operations: all reflect its determination to shape its security environment and enhance the peace and stability of the Euro-Atlantic area.
(...)
The United Nations (UN), the Organisation for Security and Cooperation in Europe (OSCE), the European Union (EU), and the Western European Union (WEU) have made distinctive contributions to Euro-Atlantic security and stability. Mutually reinforcing organisations have become a central feature of the security environment.
The United Nations Security Council has the primary responsibility for the maintenance of international peace and security and, as such, plays a crucial role in contributing to security and stability in the Euro-Atlantic area.
(...)
The European Union has taken important decisions and given a further impetus to its efforts to strengthen its security and defence dimension. This process will have implications for the entire Alliance, and all European Allies should be involved in it, building on arrangements developed by NATO and the WEU. The development of a common foreign and security policy (CFSP) includes the progressive framing of a common defence policy. Such a policy, as called for in the Amsterdam Treaty, would be compatible with the common security and defence policy established within the framework of the Washington Treaty. Important steps taken in this context include the incorporation of the WEU's Petersberg tasks into the Treaty on European Union and the development of closer institutional relations with the WEU.
As stated in the 1994 Summit declaration and reaffirmed in Berlin in 1996, the Alliance fully supports the development of the European Security and Defence Identity within the Alliance by making available its assets and capabilities for WEU-led operations. To this end, the Alliance and the WEU have developed a close relationship and put into place key elements of the ESDI as agreed in Berlin. In order to enhance peace

and stability in Europe and more widely, the European Allies are strengthening their capacity for action, including by increasing their military capabilities. The increase of the responsibilities and capacities of the European Allies with respect to security and defence enhances the security environment of the Alliance.
(...)
On the basis of decisions taken by the Alliance, in Berlin in 1996 and subsequently, the European Security and Defence Identity will continue to be developed within NATO. This process will require close cooperation between NATO, the WEU and, if and when appropriate, the European Union. It will enable all European Allies to make a more coherent and effective contribution to the missions and activities of the Alliance as an expression of our shared responsibilities; it will reinforce the transatlantic partnership; and it will assist the European Allies to act by themselves as required through the readiness of the Alliance, on a case-by-case basis and by consensus, to make its assets and capabilities available for operations in which the Alliance is not engaged militarily under the political control and strategic direction either of the WEU or as otherwise agreed, taking into account the full participation of all European Allies if they were so to choose.
(...)
In contributing to the management of crises through military operations, the Alliance's forces will have to deal with a complex and diverse range of actors, risks, situations and demands, including humanitarian emergencies. Some non-Article 5 crisis response operations may be as demanding as some collective defence missions.
(...)
The size, readiness, availability and deployment of the Alliance's military forces will reflect its commitment to collective defence and to conduct crisis response operations, sometimes at short notice, distant from their home stations, including beyond the Allies' territory."

Source: http://www.nato.int/docu/basictxt/

The peacekeeping operations in Macedonia were conducted upon request of the President of Macedonia. They embraced three missions: the month-long *Essential Harvest* launched on 26 August 2001 and focused on the disarmament of the NLA (National Liberation Army) and demilitarisation of the country; *Amber Fox* (*Task Force Fox*), started on 27 September 2001 and extended until 15 December 2002 with the goal to stabilise the situation in the country; and *Allied Harmony* that continued the tasks set by the previous operation, and whose mandate expired on 31 March 2003, when the responsibility for peace and stability was handed over to the European Union mission. All the three missions ended in success, helping NATO prove its capability to fulfil both peacekeeping and peacemaking tasks. At the European Union Welcoming Ceremony, the NATO Secretary General, Lord Robertson, said: "Two years ago, Macedonia faced the terrible prospect of civil war. After Bosnia and Kosovo, the collapse of Yugoslavia seemed set to produce yet another tragedy. The international community was not prepared to let that catastrophe happen. The Atlantic Alliance was not prepared to allow it happen. NATO faced up to its responsibilities as it had in earlier Balkan crises. You, Mr. President, asked for NATO's support. We provided it. NATO's Operation *Essential Harvest* deployed 4,600 NATO troops to collect and destroy weapons handed over

by armed groups when they disbanded. The operation was an undisputed success and a model of rapid, effective crisis management – on mission on time. Operation *Amber Fox* followed. NATO troops contributed to the protection of the international monitors overseeing the implementation of the Ohrid Framework Agreement. This operation was also a resounding success. Then came Operation *Allied Harmony*, which has continued to support the monitors and advised the Government on how to take ownership of security throughout the country. (…) Together, we turned tragedy into opportunity. We stood together in the face of crisis. Now, today, we stand together in friendship and partnership to build for the future"[59]. His words were reiterated by the EU High Representative, Javier Solana: "For NATO it is a good day, because a series of successful field operations have been concluded"[60].

However, the concept of NATO peacekeeping operations was significantly transformed as a result of NATO's involvement in stabilising the situation in Afghanistan after the counter-terrorist intervention of the international coalition. In effect, any geographical limitations to the military presence of the Alliance were eliminated, the determinants of the operational capability of NATO forces were modified, and finally – a wide use of NATO's planning and command structures was authorised by countries and coalitions conducting its own operations, independently of NATO. During the *International Security Assistance Force* (ISAF) operation, authorised by the UN Security Council in resolution 1386 (2001) pursuant to Chapter VII of the UN Charter, the central command of NATO military forces in Europe – Supreme Headquarters Allied Powers Europe (SHAPE) – for the first time coordinated an action led by a different organisation. On 11 August 2003 – in response to a request from Canada, Germany and the Netherlands, and with the consent of its Member States – NATO assumed leadership of the ISAF. On 5 October 2006, it took the final possible step on the road to taking over responsibility for the stabilisation and resolution of the conflict – by accepting from the international coalition the transfer of control over the remaining (eastern) provinces, NATO became the guarantor of security in Afghanistan as a whole. According to NATO's security strategy, the presence of ISAF in Afghanistan is integrated into the multilateral activity of various forces in this region. ISAF cooperates with the Afghan Transitional Authority and with the United Nations Assistance Mission in Afghanistan (UNAMA). It remains focused on ensuring stability and security in the country, at the same time taking part in the reconstruction of individual provinces, by coordinating the work of joint civil-military Provincial Reconstruction Teams (PRTs), for which ISAF forces have already started taking full responsibility.

As at 23 October 2008, ISAF forces in Afghanistan comprise contingents from 41 countries – 26 NATO Member States and 15 non-allied parties – totalling 50,700 troops (including the National Support Elements).

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[59] Transcript of the speeches held at the European Union Welcoming Ceremony on 31 March, 2003, http://www.consilium.europa.eu/uedocs/cmsUpload/Speech%20of%20NATO%20 SG%20Robertson.pdf, p. 1.

[60] *Ibid.,* p. 3.

The notable change in the out-of-area presence of the Alliance and the growing expectations as regards NATO's international role – which became more pronounced also during the ISAF operation – have enforced the transformation of operational activity as well as the reformulation of NATO's security and defence strategy. The new strategy is expected to be drawn up in 2009-2010. What may be regarded as an introduction to its development is the document entitled *The Comprehensive Political Guidance* (CPG) endorsed by NATO heads of state and government at the Riga Summit (on 29 November 2006). The CPG defines the way of NATO's transformation. NATO heads of state and government outlined the challenges facing the Alliance in the next 10-15 years. They pointed to potential threats of security to NATO Members and the direction of developing the armed forces of Member States, which – according to planners' estimates – will ensure the best capability to respond to the threats. The CPG describes the necessity for NATO to prepare for numerous operations (at the Bucharest Summit held on 2-4 April 2008, it was postulated that the Alliance should be ultimately able to launch and sustain two major and six smaller military operations concurrently) in varied conditions, far from Member State territories, in areas of non-structured armed conflicts. Even though in the CPG the Alliance does provide for conducting peacekeeping operations, it primarily establishes itself as an organisation supporting other entities, and ensuring their security. In accordance with the broad vision of the Alliance, it is the UN and EU that are predestined to manage the reconstruction of a region and distribute aid to local populations.

The effectiveness of the Alliance and its ability to run military operations – including rapid response – are to be guaranteed by the NATO Response Force (NRF). The decision to create the NRF was endorsed in 2002. In 2006, with approximately 25 thousand troops at its disposal, the Response Force declared full operability, for all types of operations.

Source material 2
Comprehensive Political Guidance Endorsed by NATO Heads of State and Government on 29 November 2006

"2. (...) Terrorism, increasingly global in scope and lethal in results, and the spread of weapons of mass destruction are likely to be the principal threats to the Alliance over the next 10 to 15 years. Instability due to failed or failing states, regional crises and conflicts, and their causes and effects; the growing availability of sophisticated conventional weaponry; the misuse of emerging technologies; and the disruption of the flow of vital resources are likely to be the main risks or challenges for the Alliance in that period. All of these factors can be inter-related or combined, most dangerously in the case of terrorists armed with weapons of mass destruction.

3. Peace, security and development are more interconnected than ever. This places a premium on close cooperation and coordination among international organisations playing their respective, interconnected roles in crisis prevention and management. Of particular importance because of their wide range of means and responsibilities are the United Nations and the European Union. The United Nations Security Council will continue to have the primary responsibility for the maintenance of international peace and security. The European Union, which is able to mobilise a wide range of military

and civilian instruments, is assuming a growing role in support of international stability. The Organisation for Security and Cooperation in Europe also continues to have important responsibilities in this field.

(...)

6. The Alliance will remain ready, on a case-by-case basis and by consensus, to contribute to effective conflict prevention and to engage actively in crisis management, including through non-Article 5 crisis response operations, as set out in the Strategic Concept. The Alliance has undertaken a range of operations of this kind since the end of the Cold War. Experience has shown the increasing significance of stabilisation operations and of military support to post-conflict reconstruction efforts. The role of the UN and EU, and other organisations, including as appropriate non-governmental organisations, in ongoing operations and future crises will put a premium on practical close cooperation and coordination among all elements of the international response.

(…)

16. Over the next 10 to 15 years, the evolving security environment and the need to deal with conventional and especially asymmetric threats and risks, wherever they arise, will put a premium on improvements in meeting the following capability requirements:

a. the ability to conduct and support multinational joint expeditionary operations far from home territory with little or no host nation support and to sustain them for extended periods. (...)

b. the ability to adapt force postures and military responses rapidly and effectively to unforeseen circumstances.

(...)

f. the ability to conduct operations in demanding geographical and climatic environments;

(...)

h. the ability and flexibility to conduct operations in circumstances where the various efforts of several authorities, institutions and nations need to be coordinated in a comprehensive manner to achieve the desired results, and where these various actors may be undertaking combat, stabilisation, reconstruction, reconciliation and humanitarian activities simultaneously;

i. the ability to bring military support to stabilisation operations and reconstruction efforts across all phases of a crisis, including to establish a safe and secure environment, within the full range of missions; military support to reconstruction efforts will be provided to the extent to which conditions in the theatre of operations prevent other actors with primary responsibilities in this field from carrying out their tasks. This should embrace the ability to support security sector reform, including demobilisation, disarmament and reintegration, and to bring military support, within available means and capabilities, to humanitarian relief operations"

Source: http://www.nato.int/docu/basictxt/b061129e.htm.

Table 3
Current NATO peacekeeping operations (as of 1 December 2008)

International Security Assistance Force ISAF in Afghanistan;
Training Implementation Mission in Iraq*;
Kosovo Force – KFOR.
* Mission offering technical assistance to Iraqi security forces, conducted since 30 July 2004, extended until the end of 2009 by decision of the NATO Bucharest Summit

Source: Author's balance sheet.

Table 4

Completed peacekeeping operations (as of 1 December 2008)
Essential Harvest, Amber Fox and *Allied Harmony* in Macedonia;
Implementation Forces IFOR and Stabilisation Forces SFOR in Bosnia and Herzegovina;
AFOR in Albania.

Source: Author's balance sheet.

Under the 1999 strategy of NATO and the CPG of 2006, the Alliance offers additional (and complementary to peacekeeping operations) support to other international organisations engaged in peace activities. NATO's involvement in Africa consisted, among other things, in providing logistic support for the African Mission in Sudan (AMIS), which conducts actions for Darfur refugees (airlift operating from June to December 2007), and for the AU Mission in Somalia (AMISOM), which included supporting air transportation from June 2007 to August 2008, and escorting marine transports of the World Food Programme humanitarian aid between October and December 2008. Since 2007, NATO has also been supporting African Union's efforts to develop the African Standby Force, capable of running long-term peace operations. Furthermore, the Alliance continues its presence in Bosnia and Herzegovina, where it supports the reform of the defence system, as part of the Partnership for Peace. Two other operations, aimed at supporting humanitarian aid, may serve as an example of NATO's fulfilment of responsibility for security and assistance. Following hurricane Katrina, the Alliance launched an airlift operation, helping supply relief donations from Europe to the United States. In a similar manner, following the earthquake in Pakistan the Alliance engaged in transferring humanitarian aid, launching NATO's Disaster Relief Operation.

3. European Union actions

Having accepted the responsibility to maintain stability in Europe and its "immediate neighbourhood", the European Union started carrying out peacekeeping operations, which began in 2003. Their specificity and the scope of admissible measures were laid down in Article 17 of the Treaty on European Union.

Source material 3
Treaty of Amsterdam amending the Treaty on European Union, the Treaties Establishing the European Communities and certain related acts

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Article 17 (previous number: Article J.7)
1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide.
(...)
The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article.
(...)
The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.
(...)
2. Questions referred to in this Article shall include humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making.
(...)
4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.

Source: Official Journal C 340 of 10 November 1997.

The EU acquired the ability to run peacekeeping missions by incorporating the Western European Union (WEU) to its structures. Pursuant to the provisions adopted during the 1997 EU Summit in Amsterdam, the WEU may be used by the EU for the purposes of conducting humanitarian and rescue missions, as well as peacekeeping and peacemaking operations[61]. The

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[61] The Nice Treaty broadens the scope of delegation provided for in the Amsterdam Treaty. Article 42 (Section 2 Provisions on The Common Security and Defence Policy) extends the list of admissible measures: "The tasks (…) shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by sup-

foundations of shaping WEU actions in this respect were laid down in the Petersberg Declaration adopted at the WEU Council of Ministers' meeting of 19 June 1992. By amending the provisions of the Brussels Treaty, the declaration extended the scope of tasks lying before the organisation, and gave authorisation to carry out activities outside the territories of Member States – as is the case with NATO. Although WEU's focus was not to be officially limited to any specific region, Africa (along with Europe) was selected as an area of particular interest[62]. The participation of the WEU in preventing cases of gross and mass violation of human rights has been modest, as the organisation has been focused on running humanitarian missions and civilian evacuation operations. The first major civilian protection operation – carried out jointly by the WEU and other organisations – was the successful stabilisation mission in Albania, which was particularly desirable in the spring of 1999, during the influx of Kosovo refugees to Albania[63].

The EU has further expanded the capability to conduct armed operations created within the WEU. Although, according the provisions of June 1996, adopted at the meeting of NATO Foreign and Defense Ministers in Berlin and Brussels, the European operational capability was to be developed within NATO, in June 1999 at the European Council meeting in Cologne, state leaders agreed that: "The Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO"[64]. As a result of this approach, a decision was taken at the European Council meeting in Helsinki (December 1999) to constitute by the year 2003 European quick-response forces totalling 60 thousand troops, ready for deployment within sixty days. The decision was reiterated on several occasions, e.g. at the European Council meeting of 19 May 2003. Nevertheless, on 17 March 2003, the European Union entered into an agreement with NATO (Berlin Plus Agreement): "The EU and NATO have built a genuine strategic partnership that is now well established and deep-rooted (…) When a given crisis gives rise to an EU-led operation making use of NATO assets and capabilities, the EU and NATO will draw on the so-called 'Berlin Plus arrangements'. These arrangements cover three main elements that are directly or potentially connected to the operations: [the] EU access to NATO planning, NATO European command options and use of NATO assets and capabilities"[65]. Berlin Plus Agreement guaranteed the European Union the

porting third countries in combating terrorism in their territories". Consolidated version of the Treaty on European Union, Official Journal of the European Union, 2008/C 115/13 (9.05.2008) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF

[62] Report of Ministers on WEU's Role in Peacekeeping, Brussels 1994, p. 7.

[63] MAPE mission (Multinational Advisory Police Element), concluded on 31 May 2001.

[64] Cologne European Council 3-4 June 1999. Conclusions of the Presidency. Annex III - Declaration of the European Council and Presidency report on strengthening the European common policy on security and defence, p 1, http://www.europarl.europa.eu/summits/kol2_en.htm.

[65] EU-NATO: The Framework for Permanent Relations and Berlin Plus, points 3, 5. http://consilium.europa.eu/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf.

right of permanent access to NATO's planning and command structures, ensuring the capability to conduct operational activities, which is essential for running peacekeeping operations.

After European States became self-sufficient, it was possible to launch the first operation early in 2003. Although throughout its duration the EU used NATO's logistic facilities, along with the European corps of NATO's CJTF, the initiation of this mission was of great importance for the development of EU's responsibility for the peace and security process. The EU Police Mission in Bosnia and Herzegovina (EUMP), which began on 1 January 2003, involved the deployment of over 500 police officers from 30 countries, including 15 EU Member States. The start-up budget amounted to EUR 30 million, 20 million of which came directly from the Union's budget. Initially planned for the period from 2003 to 2005, the EUMP was extended till the end of 2009, in response to a request from the government of Bosnia and Herzegovina. Its tasks in phase one included supporting operational capacity of police forces and civilian control of the police, mainly through monitoring, training programmes and inspections. Another major element was supporting the development of its multi-ethnic structures. Currently, the mission personnel (over 200 people) is focused on assisting in the implementation of police reform (launched in April 2008).

On 31 March 2003, the European Union embarked on its first military mission – EU Military Operation in former Yugoslav Republic of Macedonia *(Concordia)*. Its objective was to guarantee stability in Macedonia by employing measures approved for the Euro-Atlantic community (understood primarily as the European Union, OSCE and the US) in the agreement dated 13 August 2001 (Ohrid Framework Agreement, executed under the auspices of Boris Trajkovski, President of Macedonia): "for securing the future of Macedonia's democracy and permitting the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community. This Framework will promote the peaceful and harmonious development of civil society while respecting the ethnic identity and the interests of all Macedonian citizens"[66].

Pursuant to the EU Council Decision 7537/03 of 18 March 2003, relating to the launch of the EU Military Operation in the former Yugoslav Republic of Macedonia (Operation Concordia), EU forces replaced NATO peacekeeping troops, whose mandate expired on 31 March 2003. Referring to Operation Concordia, the NATO Secretary General, Lord Robertson, said: "By taking on its first military mission, the European Union is demonstrating that its project of a European Security and Defence Policy has come of age. Based on new institutional ties with NATO, the EU can now even more effectively bring to bear its full range of political, economic and military tools. Today's handover is a sign of continuity. The EU will continue the job that NATO

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[66] Framework Agreement 13.08.2001, http://faq.macedonia.org/politics/framework_agreement. pdf.

started and NATO will stay engaged-in support of the EU-led fore and as an advisor in security matters"[67]. During Operation Concordia, the cooperation mechanisms provided for in the NATO-EU agreement were indeed reworked, which proved especially helpful when the European Union was taking over responsibility for security and stability in yet another European conflict-prone area, namely Bosnia and Herzegovina, where SFOR forces were succeeded by the EU Military Operation in Bosnia and Herzegovina (*EUFOR-Althea*), on 2 December 2004. As planned, on 15 December 2003 Concordia was replaced by the EU Police Mission in the former Yugoslav Republic of Macedonia (*Proxima*).

Another step in the process of developing European peacekeeping operations was the initiation of the EU Military Operation in the Democratic Republic of Congo *(Artemis)*. This third ESDP operation was the first stabilising mission. Its goal was to ensure security and improve the humanitarian situation in the Congo region of Ituri (the town of Bunia). *Artemis* was a case of direct fulfilment of the obligation to support respect for human rights, especially that it served as a response to the appeal of the UN Security Council, and its decision (resolution 1484 of 30 May 2003, adopted in accordance with Chapter VII of the UN Charter) to deploy Interim Emergency Multinational Force in Congo, which would closely cooperate with and protect the staff of the United Nations Organization Mission in the Democratic Republic of the Congo – *MONUC*. What should be emphasised is the swiftness of EU's response – the decision to launch the operation (Council's Joint Action) was taken on 5 June, and the resolution to deploy military forces – on 12 June 2003. Operation *Artemis* was the first EU military mission outside Europe, carried out in the presence of open armed conflict. Moreover, no NATO support was involved. The stabilisation operations involved approximately 1800 French-led troops, with additional contributions by: Germany, Great Britain, Belgium, Greece, and more than a dozen non-European countries. As planned, the operation came to an end on 1 September 2003, all tasks being handed over to the reinforced *MONUC*.

Source material 4
A Secure Europe in a Better World. The European Security Strategy, Brussels – December 12th, 2003

"As a union of 25 states with over 450 million people producing a quarter of the world's Gross National Product (GNP), and with a wide range of instruments at its disposal, the European Union is inevitably a global player. In the last decade European forces have been deployed abroad to places as distant as Afghanistan, East Timor and the DRC. The increasing convergence of European interests and the strengthening of mutual solidarity of the EU makes us a more credible and effective actor. Europe should be ready to share in the responsibility for global security and in building a better world.

(…)

[67] Transcript of the speeches held at the European Union Welcoming Ceremony on 31 March, 2003, http://www.consilium.europa.eu/uedocs/cmsUpload/Speech%20of%20NATO%20 SG%20Robertson.pdf, p. 1.

In failed states, military instruments may be needed to restore order, humanitarian means to tackle the immediate crisis. Regional conflicts need political solutions but military assets and effective policing may be needed in the post conflict phase. Economic instruments serve reconstruction, and civilian crisis management helps restore civil government. The European Union is particularly well equipped to respond to such multi-faceted situations.

(...)

our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective.

We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority. We want international organisations, regimes and treaties to be effective in confronting threats to international peace and security, and must therefore be ready to act when their rules are broken.

(...)

The European Union has made progress towards a coherent foreign policy and effective crisis management. We have instruments in place that can be used effectively, as we have demonstrated in the Balkans and beyond.

(...)

More active in pursuing our strategic objectives. This applies to the full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities. Active policies are needed to counter the new dynamic threats. We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention.

(...)

The EU should support the United Nations as it responds to threats to international peace and security. The EU is committed to reinforcing its cooperation with the UN to assist countries emerging from conflicts, and to enhancing its support for the UN in short-term crisis management situations.

We need to be able to act (...) before humanitarian emergencies arise.

(...)

The EU-NATO permanent arrangements, in particular Berlin Plus, enhance the operational capability of the EU and provide the framework for the strategic partnership between the two organisations in crisis management.

(...)

International cooperation is a necessity. We need to pursue our objectives both through multilateral cooperation in international organizations and through partnerships with key actors.

An active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer, safer and more united world."

Source: A Secure Europe in a Better World – the European Security Strategy, Brussels – December 12th, 2003 http://ue.eu.int/uedocs/cmsUpload/78367.pdf

Members of the European Union reiterated their will to conduct peace-keeping operations – with a view to strengthening international peace and security – in the European security strategy adopted in Brussels on 12 December 2003. The European vision of such operations entails multilateral cooperation with all actors present in the conflict area and/or those being capable of exerting influence on the area and on the parties to the conflict.

It also stipulates – similarly to the UN operation concept – a comprehensive political, economic and military approach, resulting from a combination of peacemaking, peacekeeping and peacebuilding operations.

On 2 December 2004, the European Union launched another EUFOR military operation – *Althea* – taking over responsibility for peace in Bosnia and Herzegovina from the NATO Stabilisation Force (SFOR)[68]. The EU Military Operation in Bosnia and Herzegovina – *EUFOR-Althea* – was regarded as a test for EU's efficiency, mobility and the will to take decisive action. Its success resulted from the dextrous shift of NATO's European contingents distributed in Bosnia and Herzegovina, along with their decision-making structures, from the command of the Alliance to that of the EU. In fact, it translated into taking over NATO's operational capacity by the European Union, especially that the Union used NATO's logistic facilities, in accordance with Berlin Plus agreement. The European Union planned to turn the presence in Bosnia and Herzegovina into a long-term and multi-level involvement. Its major objective – also being pursued in 2008 – is to build stability, facilitate social and political reconciliation, and to rebuild the country's economy. In the first years of the operation the mission personnel comprised an impressive number of 7 thousand people, being reduced to 2.5 thousand in 2007.

The current shape of EU peacekeeping operations is well reflected by the EUFOR Chad/RCA mission, launched in 2008. Operations carried out by EU contingents in both these countries have become a part of multi-national and multi-organisational involvement. EUFOR's task is to support stabilisation activities in areas neighbouring with the conflict-ridden Darfur region of Sudan. In this respect, EUFOR plays a supportive role to the African Union/United Nations Hybrid Operation in Darfur (UNAMID), protects the personnel of the United Nations Mission in the Central African Republic and Chad (*MINUR-CAT*), ensures humanitarian staff safety, and supports the army of Chad. The overriding goal of EUFOR is to guarantee protection against armed attack in the area of international activity. (EU mission tasks were defined in the UN Security Council resolution 1778 of 25 September 2007). The operation in Chad and the Central African Republic is the most challenging operation for the EU, not only because of the significant instability of the region, and the high probability that the armed conflict will spread from Darfur, but also due to extremely poor infrastructure and difficult climate conditions. The above-mentioned factors combined with considerable manpower (as at 17 November 2008, EUFOR consists of 3396 troops from 26 countries, including Russia and Albania) pose a serious logistic challenge. The situation is further aggravated by the fact that – unlike during Operation *Althea* – all troops and equipment had to be transported to the region of operation. The Union decided to face the challenge mainly relying on its own forces, and therefore located operation headquarters in Mont Valérien (France), outside of NATO's command centre.

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[68] NATO maintains the presence of its 150-strong Military Liaison and Advisory Mission in Sarajevo.

The operation in Chad and the Central African Republic will therefore serve as an exam for EU armed forces, its high command and logistic system. It will also be a test of the European security strategy, proving how reliable the Union is when declaring readiness to conduct coordinated and comprehensive operations of political, military and economic nature, which are expected to bring lasting stability and reconstruction of regions affected by armed conflict. The EUFOR mission is undoubtedly fulfilling the responsibility to protect people, which is mainly manifested in guaranteeing the protection of refugees and internally displaced civilians, as well as the security of humanitarian aid supplies. However, this responsibility would be more fully expressed, if civilians were protected against assault immediately in Darfur.

Discussions accompanying the works on the security strategy development, along with the experiences acquired during peacekeeping missions, led to the creation of small EU battle groups available for rapid deployment in a conflict-stricken region, in order to ensure the capability to respond to unexpected conflicts. The relevant decision on this issue was made on 22 November 2004 by EU Defence Ministers, and reiterated by heads of state and government at the European Council Summit in December 2004. In the future, at least a dozen of similar battle groups are to be rendered operable, each of them capable of remaining in a conflict area for up to 30 days, or optionally up to 120 days, providing that adequate support is ensured. Any action carried out by the battle group may also serve as an introduction to EU's extended military presence in the conflict-ridden area. The Member States of the EU can actively form both national and multi-national battle groups, which are to become the foundation of the European rapid reaction force. Several groups were to reach full operational capability starting on 1 January 2007. Efficiently operating battle groups may improve EU's operational efficiency and promptness of response in crisis situations, including the capacity to run peacekeeping operations.

Over the period 2003-2008, the European Union has been leading twenty two peacekeeping operations.

Table 5
Current UE missions (as of 1 December 2008)

EU Military Operation in Bosnia and Herzegovina *(EUFOR-Althea;*
EU Police Mission in Bosnia-Herzegovina (EUPM*)*
European Union rule of law mission in Kosovo (EULEX KOSOVO)
European Union Monitoring Mission (EUMM) in Georgia
EU Police Mission in the Palestinian Territories (EUPOL COPPS)
EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories (EU BAM Rafah)
EU Integrated Rule of Law Mission for Iraq (Eujust Lex)
EU Police Mission in Afghanistan (EUPOL AFGHANISTAN)
EU military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (EU NAVFOR Somalia)
EU mission in support of Security Sector Reform in Guinea-Bissau (EU SSR Guinea-Bissau);
EUFOR TCHAD/RCA
EUPOL RD CONGO
EU security sector reform mission in the Democratic Republic of the Congo (EUSEC RD Congo).

Source: Author's balance sheet.

Table 6
Completed UE (ESDP) missions (as of 1 December 2008)

EU Police Advisory Team in the Former Yugoslav Republic of Macedonia (EUPAT)
EU Military Operation in former Yugoslav Republic of Macedonia *(Concordia)*
EU Police Mission in the former Yugoslav Republic of Macedonia *(Proxima)*
EU Rule of Law Mission in Georgia *(*Eujust *Themis)*
Aceh Monitoring Mission (AMM)
EU Support to AMIS (Darfur)
EU Police Mission in Kinshasa *(DRC)* (EUPOL *Kinshasa)*
EUFOR RD Congo
EU Military Operation in Democratic Republic of Congo *(Artemis)*

Source: Author's balance sheet.

III. THE EXEMPLIFICATION OF THE SOLIDARITY OF NATIONS – POLAND'S EXAMPLE

1. The history of involvement (UN)

In 2008, Poland celebrated the 55th anniversary its involvement in international peace and security operations, along with the 35th anniversary of its first contribution to UN peacekeeping. Since 1953, more than 63 thousand of Polish soldiers, police officers, as well as civilian and military observers have taken part in peacekeeping missions.

Polish participation in UN peace undertakings was initiated in 1953, when Poland – acting jointly with Sweden, Switzerland and Czechoslovakia – founded the Neutral Nations Supervisory Commission (NNSC) in Korea. The Commission's actions were strongly affected by the Cold War rivalry of superpowers, and later by the policy of the North Korean regime, which hampered the task of monitoring the exchange of fire between the two Korean states. Altogether, 1065 Polish citizens served in the NNSC. The Polish contingent was officially present in the demilitarised zone separating North and South Korea until 1995, when decamping was enforced by the government of the Democratic People's Republic of Korea. Polish troops then joined Swedish and Swiss units, which remained in the zone[69].

Besides the NNSC, Poland was also a member of international monitoring commissions in Vietnam, Laos and Cambodia – initially in the International Commission for Supervision and Control (ICSC) together with Canada and India, and after 1973 in the International Commission of Control and Supervision (ICCS) with Hungary, Indonesia and Canada (replaced by Iran in 1973). From 1954 to 1975 as many as 1928 Polish troops were involved in ICSC activities, and 650 in those carried out by the ICCS. In 1969-1970, five Polish soldiers served as observers of the Observer Team in Nigeria (OTN).

The first coherent military contingent from Poland was included in the UN peacekeeping forces in 1973, becoming part of the United Nations Emergency Force II (UNEF II) in Egypt. As the UN Secretary General, Kofi Annan, said: "this marked the beginning of one of the most steadfast troop contributing traditions among the membership of the United Nations"[70]. The UNEF mission was responsible for monitoring ceasefire and separating Egyptian and Israeli armed forces following the Yom Kippur war. The Polish contingent, which consisted of 11,699 troops serving between 1973 and 1980, was responsible

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[69] Czechoslovak contingent was demobilised in 1993, when North Korea refused to accept its replacement by Czech contingent (following the breakup of Czechoslovakia). It was North Korea that designated Poland and Czechoslovakia to the NNSC in 1953 – their camps were located in the demilitarised zone near the border of DPRK. Sweden and Switzerland, in turn, were designated by the UN.

[70] Secretary-General's message on the 30th anniversary of Poland's first contribution to UN peacekeeping, delivered by Mr. Colin Glennie, UN Resident Coordinator in Poland, Warsaw, 15 October 2003

for logistics (providing food and drinking water supplies to all remaining contingents), medical coverage and mine clearing. In successive UN missions, Polish contingents have specialised in providing logistic support – from 1974 as part of the United Nations Disengagement Observer Force (UNDOF) at the Israeli-Syrian borderland (Golan Heights), and from 1978 being involved in the mission in Lebanon - United Nations Interim Force in Lebanon (UNIFIL). By the end of the 1990's, Poland had taken part in two more military missions: United Nations Transition Assistance Group - UNTAG (1989-1990), providing 373 troops, and United Nations Iran-Iraq Military Observer Group - UNIIMOG (1988-1990) at the Iraqi-Iranian border, with 45 soldiers.

After the two-bloc rivalry of superpowers had come to an end, the number of UN peacekeeping operations was considerably growing, and so was Polish involvement therein. In the period 1990–2008, Polish troops participated in twenty six UN peacekeeping missions. As at 30 November 2008, they are still present in nine, out of sixteen, peacekeeping operations currently run by the UN.

Table 7

Completed UN peacekeeping operations realised with Polish involvement (as of 30 November 2008)

United Nations Advance Mission in Cambodia – UNAMIC (1991-1992);
United Nations Good Offices Mission in Afghanistan and Pakistan – UNGOMAP (1991-1993);
United Nations Iraq-Kuwait Observer Mission – UNIKOM (1991-2003);
United Nations Protection Force – UNPROFOR (1992-1995);
United Nations Transitional Authority in Cambodia – UNTAC (1992-1994);
United Nations Observer Mission in Liberia – UNOMIL (1993-1994);
United Nations Assistance Mission for Rwanda – UNAMIR (1993-1995):
United Nations Confidence Restoration Operation – UNCRO (Croatia, 1995-1996);
United Nations Angola Verification Mission III – UNAVEM III (1995-1997);
United Nations Mission of Observers in Tajikistan – UNMOT (1995-2000);
United Nations Transitional Administration of Eastern Slavonia, Baranja and Western Sirmium – UNTAES (1996-1997);
United Nations Preventive Deployment Force in the Former Yugoslav Republic of Macedonia – UNPREDEP (1996-1999);
United Nations Mission of Observers in Prevlaka – UNMOP (Croatia 1996-2002);
United Nations Observer Mission in Angola – *MONUA* (1997-1998);
United Nations Mission in Bosnia-Herzegovina – UNMIBH (1999-2002);
United Nations Mission in Ethiopia and Eritrea – UNMEE (2000-2008).

Source: Author's balance sheet.

Table 8
Current UN peacekeeping operations realised with Polish involvement (as of 30 November 2008)

United Nations Interim Force in Lebanon – UNIFIL (1978 -), 490 soldiers;
United Nations Observer Mission in Georgia – UNOMIG   (1993-), 2 policemen, 5 military observers;
United Nations Organization Mission in the Democratic Republic of the Congo – *MONUC* (1999-), 3 military observers;
United Nations Mission in the Central African Republic and Chad – *MINURCAT* (2007-), 1 military observer;
United Nations Mission for the Referendum in Western Sahara – *MINURSO* (1991-), 1 military observer;
United Nations Disengagement Observer Force – UNDOF (1974-), 344 soldiers;
United Nations Mission in the Sudan – UNMIS (2005-), 2 military observers;
United Nations Operation in Côte d'Ivoire – UNOCI (2004-), 2 military observers;
United Nations Interim Administration in Kosovo – UNMIK (1999-); 2 policemen;
United Nations Mission in Liberia – UNMIL (2003-), 4 policemen, 2 military observers.

Source: UN Mission's Summary detailed by Country. Month of Report: 30 November 2008, http://www.un.org/Depts/dpko/dpko/contributors/2008/nov08_3.pdf/.

Placing at the disposal of the UN Department of Peacekeeping Operations its personnel totalling 858 persons (including 8 police officers, 16 military observers and 834 troops), Poland ranks 26th among 120 states contributing to the peacekeeping operations system. Taking just European contributors into account, it comes fourth after Italy (9th place – 2654 persons), France (12th – 2254) and Spain (21st – 1211)[71]. Total UN peacekeeping strength amounts to 89,845 persons.

In 1997-1999, Poland was on top of the list of UN Member States engaged in peacekeeping operations, despite having a sizeable contingent involved concurrently in NATO's operation in former Yugoslavia (SFOR). In 1999, the Polish input in UN actions was reduced as a result of engagement in yet another NATO-KFOR operation in Kosovo. Over the next years, Poland's involvement in both UN and NATO missions remained stable, and moreover, the country decided to support EU peacekeeping operations as well. Poland's active participation in UN peacekeeping missions is subject to standard formal procedures. Poland has co-developed the United Nations Stand-by Arrangements System (UNSAS) since its foundation, as well as the Multinational Standby High Readiness Brigade for UN Operations (SHIRBRIG), also having declared – in a relevant Memorandum of Understanding – placing 30 military observers and one mechanised battalion at the disposal of UN peacekeeping operations.

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[71] Germany and Great Britain rank 40th (328 personnel) and 41st respectively (296). USA occupies 50th position (212) as at 30 November 2008 http://www.un.org/Depts/dpko/dpko/contributors.

As the second and third generations of UN peacekeeping missions were launched – resulting in the extension of the scope of actions included in the mission mandate, and the introduction of soldiers' right to use force in situations other than self-defence – the operational capacity of Polish contingents was extended by far. During the UNPROFOR mission in former Yugoslavia (launched in 1992), for the first time Polish troops started running operational activities, which consisted in stabilising the situation in the conflict area, protecting humanitarian relief convoys, and providing assistance to refugees[72]. In the course of current missions troops have been performing various tasks aimed at restoring peace and security in conflict and post-conflict areas. Expanded in 2006, the mandate of the UNIFIL mission in Lebanon obliges Polish soldiers to reinstate peace by: separating the armed forces of Israel and Lebanon, monitoring ceasefires, supporting the reinstatement of actual authority of the Lebanese government in southern Lebanon, ensuring unimpeded access of humanitarian aid organisations to civilian population, as well as protecting refugees, internally displaced persons, and the personnel of the UN and non-governmental organisations[73].

Source material 5
Implementation of the idea of solidarity into the Polish foreign policy

1. Statement by Mr. Aleksander Kwaśniewski President of the Republic of Poland at the World Summit 2005 (High-level Plenary Meeting of the sixtieth session of the General Assembly of the United Nations - New York, September 16th, 2005).

"The United Nations today is facing an unprecedented challenge to provide the humanity with a new hope to build the 21st century's civilization on a solid foundation of universal values: freedom, security, democracy and solidarity.
Polish dedication to those values draws its strength from our past experiences.
This year we commemorate in Poland the 25 anniversary of the Solidarity movement which inspired profound changes in Central and Eastern Europe. But above all, it mobilized nations and societies around fundamental values and noble principles. In this spirit, the anniversary celebrations attended by numerous heads of state and government were concluded by the appeal to establish the 31st of August as the World Day of Freedom and Solidarity. Today, I wish to repeat that appeal and call for a world united in freedom and solidarity.
Solidarity should be perceived as one of the key principles of the international relations. It should combine respect for diversity and readiness to provide assistance. As His Holiness Pope John Paul II underlined, it should be based on cooperation of one with another not on one against another, and on priority of unity over divisions. Solidarity of nations should always prevail over national egoism. (...)
The principle of solidarity remains inextricably linked to that of freedom. The United Nations should make us feel confident that the international community will provide people with necessary protection and assistance when their state is unable to deliver it.
I hope that recently established Democracy Fund, which Poland supports and is ready

[72] Poland's total contribution to this mission amounted to 3867. As at 30 November 1994, the Polish contingent comprised 29 police, 1109 troops and 30 military observers. Former Yugoslavia. UNPROFOR. UN Information, http://www.un.org/Depts/dpko/dpko/co_mission/unprof_b.htm.
[73] UN Doc. S/RES/1978/426 and S/RES /1978/426 of 19 March 1978, S/RES/2006/1071 of 11 August 2006

to contribute to it, would offer a genuine assistance for those who uphold and aspire for freedom and solidarity.

We must also show greater determination in our response to problems, such as violence, poverty, social exclusion, terrorism, and proliferation of weapons of mass destruction and others. We must stand up to those who ignore the unity of our world and see it as a battlefield of fighting religions, nations, and races. (...)

Freedom, security, democracy, and solidarity must be the key guidelines that will lead the Organization in the 21st century.

2. Statement of the President of the Republic of Poland Mr. Lech Kaczyński during the General Debate of the sixty-third Session of the UN General Assembly, New York - September 24th, 2008

"Today we clearly see that we need a joint action by all countries: poor and rich, Eastern and Western, Northern and Southern. In order to live up to the challenges facing the world today, we should act jointly in the spirit of solidarity, and via effectively operating international structures such as the United Nation, to achieve best results. What is essential however, is guaranteeing respect for core principles of international law, human rights and fundamental freedoms.

Source: 1. The 2005 World Summit. High Level Plenary Meeting of the 60th Session of the General Assembly. Statements, http://www.un.org/webcast/summit2005/statements.html; 2. United Nations General Assembly. General Debate of the 63rd Session http://www.un.org/ga/63/generaldebate/24sept08.shtml.

2. The extension of the range of actions (NATO, EU)

In 1996, concurrently with the engagement in operation *Joint Endeavour* (IFOR mission) in Bosnia and Herzegovina, in which a total of 931 Polish troops took part, Polish involvement in terms of fulfilling the obligation to protect people, their dignity and rights was divided between different international organisations. Participation in that operation preceded Poland's formal membership in NATO, as was the case with operations *Joint Guard* and *Joint Forge* (SFOR mission), which featured 3260 Polish troops. In accordance with the provisions of the Dayton peace accords, both those missions were expected to result in restoring and maintaining peace and security, and in supporting: the establishment of unified and democratic Bosnia and Herzegovina, reconstruction of the country's economy, and repatriation of refugees and internally displaced persons[74]. When NATO handed over the responsibility to stabilise the situation in Bosnia and Herzegovina to the European Union, the Polish contingent was incorporated into *EUFOR-Althea* forces that replaced SFOR.

In 1999, Polish troops became even more actively involved in fulfilling the responsibility to protect people, their dignity and rights. One of the serious challenges facing NATO (and Poland - as a member of the Alliance since 1999) was to stamp out the Serbian campaign of ethnic cleansing of Kosovo Albanians. NATO decided to carry out a humanitarian intervention in Kosovo without the consent of the UN Security Council. It was the first war waged in order "to protect human rights". Commenting on NATO's steps, the Polish

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[74] The General Framework Agreement. Annex 1A. Agreement of the Military Aspects of the Peace Settlement, www.nato.int/sfor/basic/gfap.htm.

President, Aleksander Kwaśniewski, said at the NATO summit on 24 April 1999: "In the most important issues, such as (…) the Kosovo issue, the unity of the 19 members is firm, confirmed and undisputed"[75]. President also noted: "A few weeks ago – on 12 March – Poland joined NATO, and to celebrate this event flags were raised in many places as a way of expressing our enthusiasm and our joy. Obviously, we would have liked to celebrate our success for a longer time, rather than face a military operation so soon. However, at least we could feel satisfaction in view of this tragedy: a great majority of Polish citizens and political circles are supporting our standpoint on the military intervention in former Yugoslavia. NATO has been the guarantor of our security for just a few days, but we are already prepared to take the responsibility"[76]. After the humanitarian intervention took place, Polish troops (totalling 140) provided assistance to Kosovo refugees in Albania (operation *Allied Harbour* within the framework of the 6-month AFOR mission), and were included in KFOR stabilisation forces. As at 18 June 2008, Polish troops stationed in Kosovo – 285 soldiers serving in KFOR – belong to a battalion which also consists of Ukrainian and Lithuanian soldiers[77]. Their primary tasks include maintaining security in the eastern region of Kosovo, controlling the border with Macedonia (Former Yugoslav Republic of Macedonia - FYROM), and protecting the personnel of the UN and humanitarian organisations. The operational territory of the KFOR Polish Military Contingent also encompasses countries neighbouring with Kosovo, which is reflected in its full name: Polish Military Contingent in the International Forces in Kosovo, Republic of Serbia, Former Yugoslav Republic of Macedonia, Republic of Albania, and Bosnia-Herzegovina.

The most difficult NATO peacekeeping operation, in which Poland has taken part, is ISAF. Since 16 march 2002, when the first troops were transported to Afghanistan, the mission members have been forced to act in an unstructured conflict environment, characterised by heightened activity of armed groups (Taliban troops, Al-Qaeda, local leaders and drug dealers) and with main traffic routes being mined. Nevertheless, soldiers, whose operational tasks are mainly focused on constructing or reconstructing road and transport infrastructure, as well as ensuring logistic support for international forces, have initiated a number of bottom-up activities aimed at restoring infrastructure (including civilian facilities) in the province of Ghazni, where they are stationed. In mid 2008, the Polish Provincial Reconstruction Team (POL PRT) formalised its operations. Examples of its activity include: bridge construction in the Jaghatu district, road construction in Ghazni, construction of 30 wells for 6000 refugees, assistance in the renovation of an orphanage in Ghazni, and the construction of a playground for children. Currently, POL PRT has numerous civilian projects underway, acting in cooperation with Afghan

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[75] http://www.kwasniewskialeksander.pl/int.php?mode=view&id=440.

[76] *NATO jest naszym sztandarem* [NATO is our flag], interview with the President of Poland, Aleksander Kwaśniewski, „La Stampa" 27 April 1999.

[77] NATO Kosovo Force (KFOR), http://www.nato.int/kfor/structur/nations/placemap/kfor_place-mat.pdf.

provincial authorities[78]. As at 1 December 2008, Polish ISAF contingent totals 1130 soldiers and military personnel[79].

In addition to having contingents involved in ISAF and KFOR operations, Poland is also participating in the police-focused NATO Training Implementation Mission in Iraq. 220 troops have been placed at the disposal of NATO Response Force[80].

Concurrently with UN and NATO operations, Poland has also been contributing personnel for EU missions. The country expressed its willingness to participate in EU operations even before it joined the organisation, which was reflected in *Feira European Council Conclusions* (of 20 June 2000): "Contributions are invited from all partner third states to the improvement of European capabilities. The European Council welcomes the offers made by Turkey, Norway, Poland and the Czech Republic, which will expand the range of capabilities available for EU-led operations"[81].

Polish personnel is part of the two military operations currently conducted by the European Union: EUFOR-Althea in Bosnia and Herzegovina and EUFOR in Chad and the Central African Republic. Poles also participated in the preceding operations involving the use of military forces: EUFOR RD CONGO (130 troops[82]), during which their task was to safeguard the election process in the Democratic Republic of Congo; *Concordia* (21 troops[83]) in Macedonia – FYROM, where they protected international observers as well as EU and OSCE convoys, and monitored cross-border traffic between Kosovo and Macedonia. Poland has so far been absent from only one military operation of the EU, namely *Artemis* in Congo.

As at 3 October 2008, Poland has the fourth largest contingent in *EUFOR – Althea* (after Spain, Italy and Turkey), totalling 204 soldiers (while the entire EUFOR contingent totals 2125 troops from 26 countries)[84]. Its tasks – carried out in cooperation with Spanish, Hungarian and Turkish soldiers – focus on ensuring stability and security so as to enable effective functioning of local authorities, and facilitate the freedom of movement of the local community.

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[78] See http://www.isaf.wp.mil.pl/aktualnosci.html.

[79] NATO ISAF, http://www.nato.int/isaf/docu/epub/pdf/isaf_placemat_081201.pdf.

[80] http://www.nato.int/issues/commitment/index.html.

[81] *Feira European Council Conclusions*, p. 10, http://www.europarl.europa.eu/summits/fei1_en.htm.

[82] Polscy żołnierze zakończyli misję w Kongo [Polish troops completed their mission in Congo], website material released by the Operational Headquarters of Polish Armed Forces, http://www.do.wp.mil.pl/aktualnosc.php?idaktualnosc=54.

[83] Polish troops were deployed in Macedonia on 29 September 2001, serving as part of NATO's operation *Allied Harmony*. On 1 April 2003 they began to fulfil tasks within EU's *Concordia* operation. Press Release by the Spokesperson for the Polish Ministry of Defence on the Polish Military Contingent in Macedonia, http://www.wp.mil.pl/pl/artykul/108.

[84] EUFOR Troop Strength in theatre, http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=145&Itemid=62

In the EUFOR CHAD/RCA mission, the 400-strong Polish contingent is second largest (ex aequo with Ireland) after the French one (totalling 1700 troops)[85]. The operation in Chad is far more difficult for Poles than NATO's ISAF mission, or the EU Operation *Althea*. The reason is not only the scope of tasks included in the mandate, but also extremely demanding climate and infrastructure conditions in the mission area. Cooperating with other contingents (mainly the French), Poles are forced to organise transport system, develop roads and bridges, and construct a military base from scratch. Re-establishing the freedom of movement is one of the conditions for the fulfilment of tasks provided for in Polish troopers' mandate, which otherwise include: stabilising the situation in Chad's Wadi Fira region, ensuring protection from assaults by armed groups (either local or attacking from the territory of Sudan), and enabling the personnel of the UN *MINURICAT* mission to settle down and continue operation (mainly by providing protection and assistance during transport).

Over the next few years, the number of Polish troops assigned to potential participation in EU peacekeeping missions will increase, as EU Battle Groups, involving Poles, are gradually reaching their full operational capability. Poland serves as a framework state of two multinational groups, having accepted responsibility to establish them (the first one by 2010, and the second by 2013), ensure 50 percent manpower for each of the two, and command them afterwards. The first group is co-developed with Germany, Lithuania, Latvia and Slovakia (the decision to launch it being signed by the states in Brussels, on 13 November 2006), and the second one is prepared within the Weimar Triangle with France and Germany (following the decision made on 25 July 2005). Poland is also planning to become a member of a battle group founded jointly by the Visegrad Group states, which is to become operable in 2015. The group will also include one non-EU battalion from Ukraine.

In addition to participating in EU military missions, Poland have also been present in police operations, for example*:* EU Police Mission in the former Yugoslav Republic of Macedonia - *Proxima* (3 police officers), EU Police Mission in Bosnia-Herzegovina - EUPM (12 persons until the EUPM contingent manpower changed, and 7 persons since 1 January 2007[86]), EU Police Mission in Afghanistan - EUPOL AFGHANISTAN (2 police officers[87]), and European Union Monitoring Mission (EUMM) in Georgia (26 persons).

The latest EU police operation, involving police and military police troops from Poland and 21 other countries, is the EUMM in Georgia, officially launched on 1 October (although Polish personnel has been present in Georgia since 26 September 2008). The task placed before the mission personnel is

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[85] http://www.pkwczad.wp.mil.pl/pl/28.html. First troops were deployed in the region of operation on 17 April 2008

[86] Police website material, EUPM in Bosnia and Herzegovina, http://www.policja.pl/portal/pol/104/1952/EUPM_w_Bosni_i_Hercegowinie.html.

[87] Police website material, Mission to Afghanistan, http://www.policja.pl/portal/pol/1/15764/Na_misje_do_Afganistanu.html

to monitor the observance of the 6-point agreement, which marked the cessation of the armed conflict between Russia and Georgia. The mission totals 352 persons, including 10 police officers and 16 military police officers from Poland[88]. Polish contingent is the third largest there, after French and Italian (with a personnel of 36 and 35, respectively)[89].

Following the concept of maximally complementary presence in crisis and conflict regions, Polish troops undertake a wide variety of tasks during UN, NATO and EU peacekeeping operations – from peace stabilisation, through disarmament of hostile groups and reconstruction of areas under Polish administration, to distribution of humanitarian aid. The scope of those tasks is continuously expanding to keep pace with the growing needs in operation regions, and the increasing expectations of local communities.

As at 14 March 2008 (before the beginning of the EUFOR CHAD/RCA operation), the aggregate number of Polish troops, police officers, and military observers involved in peacekeeping missions abroad accounted for 3.38 percent of Poland's total armed forces strength, 1.95 percent being engaged in NATO operations, 1.17 percent in UN missions, and 0.26 percent in EU operations[90].

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[88] Police website material, EU observation mission to Georgia, http://www.policja.pl/portal/pol/104/30568/Misja_obserwacyjna_w_Gruzji_pod_egida_UE.html.

[89] http://consilium.europa.eu/uedocs/cmsUpload/080926EUMM_Fact_sheet_from_JURI_REV.pdf.

[90] Commitment to operations and missions – Poland, http://www.nato.int/issues/commitment/index.html.

CONCLUSIONS

The recent years have show a tremendous development of the culture of international solidarity, expressed in the general approval of the obligation to respect the dignity and principal rights and freedoms of people. The foundation of the culture – unlike the half-hearted demands of the Cold War – has been weaved in the system of global (intercontinental) relationships.

Until the beginning of 1990s, the issue of international solidarity, including the respect for human rights, had been considered too controversial and politically awkward. Its implementation into the practice of international operations became possible only after it had been cleared of the political odium. The first intergovernmental operation for solidarity, understood as a support for human rights, was the United Nations Observer Mission in El Salvador (*ONUSAL*). The observers were to watch the situation – their mandate was expanded only (as much as?) by the task of monitoring the state of respect for human rights.

Since *ONUSAL* was established in 1991, the mandates of the personnel in the subsequent missions have been gradually expanded. Nowadays, the personnel, management, the governments of countries participating in a mission, and a leader organization are obliged to restore order and stabilization to effectively protect rights and dignity of the people in the mission's area. To ensure proper protection, the culture of solidarity has been introduced to the system of peacekeeping operations, under the system-wide integration, and integrated into every element of a mission.

The effective implementation of solidarity is characterized with the regime of EU peacekeeping operations. The military, police and civilian personnel of the EU vaunt with great results (much better than those achieved in peacekeeping operations of other organizations) in restoring respect for human rights, reacting to a bad situation of civilian people and providing proper protection.

The implementation of international solidarity has not been yet completed and requires further activity. The most necessary is to make the missions personnel and policy-makers aware of the need of operations for the respect for human rights and their benefits. It is also important to help people realize that the respect for human rights and dignity is the most basic condition for the success of each and every attempt at maintaining stabilization or implementing political, social and economic systems. The creation (or restoration) of a state and its social-political system, which is based on the idea of nation building, is also a chance to offer conditions for permanent respect for human dignity. Operations that increase the chance for stabilization are:

• Police and advisory missions to prevent the escalation of a conflict to the level of a necessary use of military power (preventive engagement);

• Operations undertaken without delay to reduce the maximum time for the decision-making process (including the global analysis for an early warning

system, the pressure on a host-country, and the decision to start an operation), as well as the training of Quick Response Forces that, apart from military troops, should comprise of civilian personnel dealing with the restoration of society, state and economy. In order to succeed, the operation must make use of the short period of social hopes for changes (the time of golden hour);

• Complex and complementary effect on every social, political and economic field;

• Diversified operations that aim to build efficiency on the foundation of peacekeeping and include the elements of peace-building, peacemaking and peace-enforcement (as complementary to one another);

• Multilateral actions conducted with military, police, civilian (depending on needs), governmental and non-governmental partners (including Community Based Organisations), with an emphasis on local partners;

• The improvement of structures that manage and coordinate a mission in the region of operation (meaning all those who perform vertical and horizontal coordination) that are also responsible for the exchange of information and the constant evaluation of the mission's components, as well as the aid to local structures;

• Efforts to abolish restrictions present in a personnel mandate of individual national forces (concerning the geographical area of an operation and possible activity) and simplify the national procedures of the contributing countries when it is necessary to breach the above mentioned restrictions.

• These conditions can serve as criteria applied to evaluate the actual will to initiate operations for solidarity reasons.

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