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POSTGRADUATE STUDIES – SECOND CYCLE

THESIS:

The role of the UN peacekeeping forces in
war crisis-positive and negative aspects

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„ The role of the United Nations peacekeeping forces in war crisis – positive and negative aspects”

Abstract

United Nations is organization with international character and the main aims are building peace and security, sustainable development, protecting human rights, disarmament, terrorism, humanitarian and health emergencies, gender equality, governance, food production, and more. United Nations started their work in the past century, on 24 October 1945 come to existence, across whole world. By enabling dialogue between its members, and by hosting negotiations, the Organization has become a mechanism for governments to find areas of agreement and solve problems together.

United Nations it's very important for the world and war crisis to maintain the security and protection of the basic human rights. United Nations have main organs and body who work on solving those all problems.

In conflicts are created peacekeeping forces or also known as, blue helmets ” for protecting civilians and building protected and safe areas. With help of diplomats and United Nations bodies they are negotiating with the parties involved in the war crisis for non-violence and building a peace. How does the peacekeeping forces work in a war conflict, what is their role and outcome of the whole situation in the past and now. There are many aspects positive and negative in different crisis around the world.

Key words: blue helmets, war crisis, humanitarian crisis, United Nations, rights of the child, refugees, peace, international law, human rights,

Abbreviations

CIA	Central Intelligence Agency
EC	European Community
ICJ	International Court of Justice
ICFY	International Conference in Former Yugoslavia
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFOR	Implementation Force
ITU	International Telecommunication Union
NATO	North Atlantic Treaty Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
PCA	Permanent Court of Arbitration
RIF	Rohingya Independence Force
UN	United Nations
UNF	United Nations Force
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Found
UNPROFOR	United Nations Protecting Force
US	United States
USSR	Union of Soviet Socialist Republics
ECOSOC	Economic and Social Council
UNSCS	UN Special Coordinator for Sarajevo
WHO	World Health Organization

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INTRODACTION

Hypothesis

The main hypothesis of this research is the organization of the United Nations, and the United Nations peacekeeping force or also known as, "blue helmets ": do they are carrying out their task in terms of building peace.

An alternative hypothesis of this research is:

1. Positive role of the peacekeeping forces in war crisis
2. Negative role of the peacekeeping forces in war crisis.

Importance of the thesis

The importance of the thesis of this research is the emergence of peace in military crises by the United Nations peacekeeping forces, as well as all organizations under the auspices of the United Nations for the protection of human rights as a result of humanitarian crises.

This research is very important for world peace and my further upgrading in the field of international law and conflict resolutions, as well as the perception of the omissions and decision-making of the organs of the United Nations.

The main goal of this research is the work of the United Nations Peacekeeping Force, increasing security and peace in war conflicts and preventing them from future conflicts. How they work to find solutions and ways to cut the humanitarian and military crises. Reduce violations of the basic human rights and violations on the articles from the Convention for Human Rights, as well to cut the number of victims in the world.

Aim of the research is also to prove how missions of the United Nations are important for the international community in different ways and what the aims of its organizations are. To understand how the Peacekeeping forces maintain peace and what are their main goals for future to build and develop world peace and the importance of the United Nations and its organizations are during war crisis, conflicts and humanitarian crisis.

CHAPTER ONE

UNITED NATIONS

1.1 History of the UN

1.1.1 Preceding years-Forerunners of the United Nations

In beginning, states have been formed international organizations to cooperate on specific matters. In 1865 was established International Telecommunication Union¹, which managed the first international telegraph networks, and had has worked since then to connect the world. In the years that have been coming, the Union's mandate has expanded to cover the invention of voice telephony, the development of radio communications, the launch of the first communications satellites, and most recently, the telecommunications-based information age. ITU's structure and activities were evolving and to meet the needs of this changing mandate. On 17 May 1865, the first International Telegraph Convention was signed in Paris by its twenty founding members, and the International Telegraph Union (the first incarnation of ITU) was established to supervise subsequent amendments to the agreement. That significant date – 17 May – eventually became World Telecommunication and Information Society Day.

Established in 1874, the Universal Postal Union (UPU), with its headquarters in the Swiss capital Berne is the second oldest international organization worldwide. With its 192 member countries, the UPU is the primary forum for cooperation between postal sector players. It helps to ensure a truly universal network of up-to-date products and services. In this way, the organization fulfils an advisory, mediating and liaison role, and provides technical assistance where needed. It sets the rules for international mail exchanges and makes recommendations to stimulate growth in mail, parcel and financial services volumes and improve quality of service for customers. Both organizations now are United Nations specialized agencies.

The Permanent Court of Arbitration² was the first permanent intergovernmental organization to provide a forum for the resolution of international disputes through arbitration and other peaceful means. The PCA was established by the Convention for the Pacific Settlement of International Disputes, concluded at The Hague in 1899 during the first Hague Peace Conference.

¹ <https://www.itu.int/en/Pages/default.aspx>

² <https://pca-cpa.org/en/about/introduction/history/>

The Conference had been convened at the initiative of Czar Nicolas II of Russia “with the object of seeking the most objective means of ensuring to all peoples the benefits of a real and lasting peace, and above all, of limiting the progressive development of existing armaments.”

The forerunner of the United Nations is the League of Nations. The League of Nations was an international diplomatic group developed after World War I as a way to solve disputes between countries before they erupted into open warfare. A precursor to the United Nations, the League achieved some victories but had a mixed record of success, sometimes putting self-interest before becoming involved with conflict resolution, while also contending with governments that did not recognize its authority. The League effectively ceased operations during World War II.

The League of Nations has its origins in the Fourteen Points speech of President Woodrow Wilson, part of a presentation given in January 1918 outlining of his ideas for peace after the carnage of World War I. Wilson envisioned an organization that was charged with resolving conflicts before they exploded into bloodshed and warfare. In other countries, the League of Nations was a more popular idea. Under the leadership of Lord Cecil, the British Parliament created the Phillimore Committee as an exploratory body and announced support of it. French liberals followed the idea of creating of organization for building peace with the leaders of Sweden, Switzerland, Belgium, Greece, Czechoslovakia and other smaller nations.

In 1919 the structure and process of the League were laid out in a covenant developed by all the countries taking part in the Paris Peace Conference. The League began organizational work in the fall of 1919, spending its first 10 months with a headquarters in London before moving to Geneva. By 1920, 48 countries had joined the League of Nations. When World War II broke out, most members of the League were not involved and claimed neutrality, but members France and Germany were. In 1940, League members Denmark, Norway, Luxembourg, Belgium, the Netherlands and France all fell to Hitler. Switzerland became nervous about hosting an organization perceived as an Allied one, and the League began to dismantle its offices.

Soon the Allies endorsed the idea of the United Nations, which held its first planning conference in San Francisco in 1944, effectively ending any need for the League of Nations to make a post-war return.

1.1.2 History of the United Nations Charter

United Nations Charter had preparation years, in chronological order everything started on 12th of June 1941 in London where representatives of Great Britain, Canada, Australia, New Zealand and the Union of South Africa and of the exiled governments of Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, Yugoslavia and of General de Gaulle of France, met at the ancient St. James' Palace and signed a declaration also known as the Declaration of the St. James Palace. Two months later on 14th of August 1941 President Roosevelt and Prime Minister Churchill were in conference and they issued a joint declaration destined to be known in history as the Atlantic Charter. This document was affirmation that declared, "Of certain common principles in the national policies of their respective countries on which they based their hopes for a better future for the world."³

On first of January 1942 during the World War II in Washington D.C., President Roosevelt, Prime Minister Churchill, Maxim Litvinov, of the USSR, and T. V. Soong, of China signed a treaty that is known as the Declaration of the United Nations. Next they representatives of 22 other nations put their signature on this document that is formalizing the allies of World War II. Allied nation had conferences in 1943 in Moscow and Teheran and the following two years in 1944-1945 in Dumbarton Oaks and Yalta before UN Charter come to existence. Finally on 26th June 1945 in San Francisco the Charter was signed by representatives of 50 countries. The Charter had been ratified by China, France, the Soviet Union, the United Kingdom, and the United States and by a majority of other signatories. On 24th October United Nations officially come to existence.⁴

1.2 Main Bodies

General Assembly

Established in 1945 under the Charter of the United Nations, the General Assembly occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Comprising all 193 Members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter. It also plays a significant role in the

³ <http://www.un.org/en/sections/history/history-united-nations/>

⁴ <http://www.un.org/en/sections/history-united-nations-charter/1945-san-francisco-conference/index.html>

process of standard-setting and the codification of international law. The Assembly meets from September to December each year and thereafter from January to August, as required, including taking up outstanding reports from the Fourth and Fifth Committees. Also during the resumed part of the session, the Assembly considers current issues of critical importance to the international community in the form of High-level Thematic Debates organized by the President of the General Assembly in consultation with the membership. During that period, the Assembly traditionally also conducts informal consultations on a wide range of substantive topics, including on UN reform-related matters.⁵

Each of the 193 Member States in the Assembly has one vote. Votes taken on designated important issues— such as recommendations on peace and security, the election of Security Council and Economic and Social Council members, and budgetary questions—require a two-thirds majority of Member States, but other questions are decided by a simple majority. In recent years, an effort has been made to achieve consensus on issues, rather than deciding by a formal vote, thus strengthening support for the Assembly's decisions. The President, after having consulted and reached agreement with delegations, can propose that a resolution be adopted without a vote.⁶

Security Council

The Security Council held its first session on 17 January 1946 at Church House, Westminster, London. Since its first meeting, the Security Council has taken permanent residence at the United Nations Headquarters in New York City. It also travelled to many cities, holding sessions in Addis Ababa, Ethiopia, in 1972, in Panama City, Panama, and in Geneva, Switzerland, in 1990. A representative of each of its members must be present at all times at UN Headquarters so that the Security Council can meet at any time as the need arises.

Under the Charter, the Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the Charter, all Member States are obligated to comply with Council decisions. The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.⁷

⁵ <http://www.un.org/en/ga/about/background.shtml>

⁶ <http://www.un.org/en/ga/about/>

⁷ <https://www.un.org/securitycouncil/content/what-security-council>

The Security Council also recommends to the General Assembly the appointment of the Secretary-General and the admission of new Members to the United Nations. And, together with the General Assembly, it elects the judges of the International Court of Justice.

Economic and Social Council

The United Nations Economic and Social Council (ECOSOC) is one of the six principal organs of the United Nations, responsible for coordinating the economic, social, and related work of 15 UN specialized agencies, their functional commissions and five regional commissions. The ECOSOC has 54 members. The General Assembly selects 18 new members for ECOSOC each year for the term of 3 years with a provision that a retiring member can be re-elected. It holds one seven-week session each year in July, and since 1998, it has also held an annual meeting in April with finance ministers heading key committees of the World Bank and the International Monetary Fund. The president is elected for a one-year term and chosen from the small or mid-sized powers represented on the ECOSOC. The ECOSOC is working on promoting and financing for sustainable development, coordinating humanitarian action, engaging youth, working with civil society.

Trusteeship Council

In 1945 in San Francisco Conference were made provisions to form new UN agency, which were specified in 12 Chapter of the Charter of United Nations. The General Assembly passed resolution 64 on Dec. 14, 1946, which provided for the establishing of the United Nations Trusteeship Council. The Trusteeship Council held its first session in March 1947. From 1947 – 1994 the Trusteeship Council was instrumental in the decolonization and subsequent independence of territories in Africa and the Pacific. The Trusteeship Council suspended their work in December 1994, when Palau the last country becomes member state of the United Nations. After 25 May 1994, the Trusteeship Council currently only meets "as and where occasion may require". Currently, the permanent members of the Security Council serve as members of the Trusteeship Council in accordance with Article 86 of the Charter.

International Court of Justice

The International Court of Justice (ICJ) is the principal judicial organ of the UN. The ICJ is established in 1945 by the UN Charter and began to work in 1946 as successor of the Permanent Court of Justice. The Statute of the International Court of Justice, similar to that of its predecessor, is the main constitutional document constituting and regulating the court. The headquarters are in the Peace Palace in The Hague, Netherlands.

The Court has two functions:

- To settle, in accordance with international law, legal disputes submitted by States, and
- To give advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.⁸

The United Nations Secretariat

The United Nations Secretariat is one of the six main bodies of the UN and have important role in setting the agenda for the UN's deliberative and decision making bodies of the UN (the General Assembly, Economic and Social Council, and Security Council), and the implementation of the decision of these bodies. The head of the Secretariat is the Secretary-General who is appointed by the General Assembly. The Secretary-General's duties include helping resolve international disputes, administering peacekeeping operations, organizing international conferences, gathering information on the implementation of Security Council decisions, and consulting with member governments regarding various initiatives. The Secretariat is deviated in offices and departments.⁹

With headquarters in New York are following:

Offices

- Executive Office of the Secretary-General (EOSG)
- United Nations Office of Internal Oversight Services (OIOS)
- United Nations Office of Legal Affairs (OLA)
- United Nations Office for Disarmament Affairs (ODA)
- United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
- United Nations Office for Disaster Risk Reduction (UNISDR)
- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Office on Drugs and Crime (UNODC)

⁸ <https://www.icj-cij.org/>

⁹ <http://www.un.org/en/sections/about-un/secretariat/index.html>

- United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS)
- United Nations Office for Outer Space Affairs (UNOOSA)

Departments

- United Nations Department of Political Affairs (DPA)
- United Nations Department of Peacekeeping Operations (DPKO)
- United Nations Department of Economic and Social Affairs (DESA)
- United Nations Department of Field Support (DFS)
- United Nations Department of Management (DM)
- United Nations Department of General Assembly and Conference Management (DGACM)
- United Nations Department of Public Information (DPI)
- United Nations Department of Safety and Security (DSS)

Offices outside the headquarters in New York:

- United Nations Office at Geneva (UNOG)
- United Nations Office at Nairobi (UNON)
- United Nations Office at Vienna (UNOV)

1.3 Activities of United Nations

Maintain International Peace and Security

The UN does this by working to prevent conflict; helping parties in conflict make peace; peacekeeping; and creating the conditions to allow peace to hold and flourish. The UN Security Council has the primary responsibility for international peace and security. The General Assembly and the Secretary-General play major, important, and complementary roles, along with other UN offices and bodies. United Nations maintain international peace and security by preventing Diplomacy and Mediation. Peacekeeping has proven to be one of the most effective tools available to the UN to assist host countries navigate the difficult path from conflict to peace. Today's multidimensional

peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate political processes, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support constitutional processes and the organization of elections, protect and promote human rights and assist in restoring the rule of law and extending legitimate state authority. United Nations peacebuilding activities are aimed at assisting countries emerging from conflict, reducing the risk of relapsing into conflict and at laying the foundation for sustainable peace and development. The UN peacebuilding architecture comprises the Peacebuilding Commission, the Peacebuilding Fund and the Peacebuilding Support Office. The Peacebuilding Support Office assists and supports the Peacebuilding Commission with strategic advice and policy guidance, administers the Peacebuilding Fund and serves the Secretary-General in coordinating United Nations agencies in their peacebuilding efforts.

Protecting Human Rights

United Nations is promoting and protecting human rights by the Universal Declaration of Human Rights and the office of the UN High Commissioner for Human Rights (OHCHR). The office supports the human rights components of peacekeeping missions in several countries, and has many country and regional offices and centers. The Rights regularly comments on human rights situations in the world and has the authority to investigate situations and issue reports on them.

Human Rights Council is independent UN intergovernmental body responsible for human rights, established in 2006.

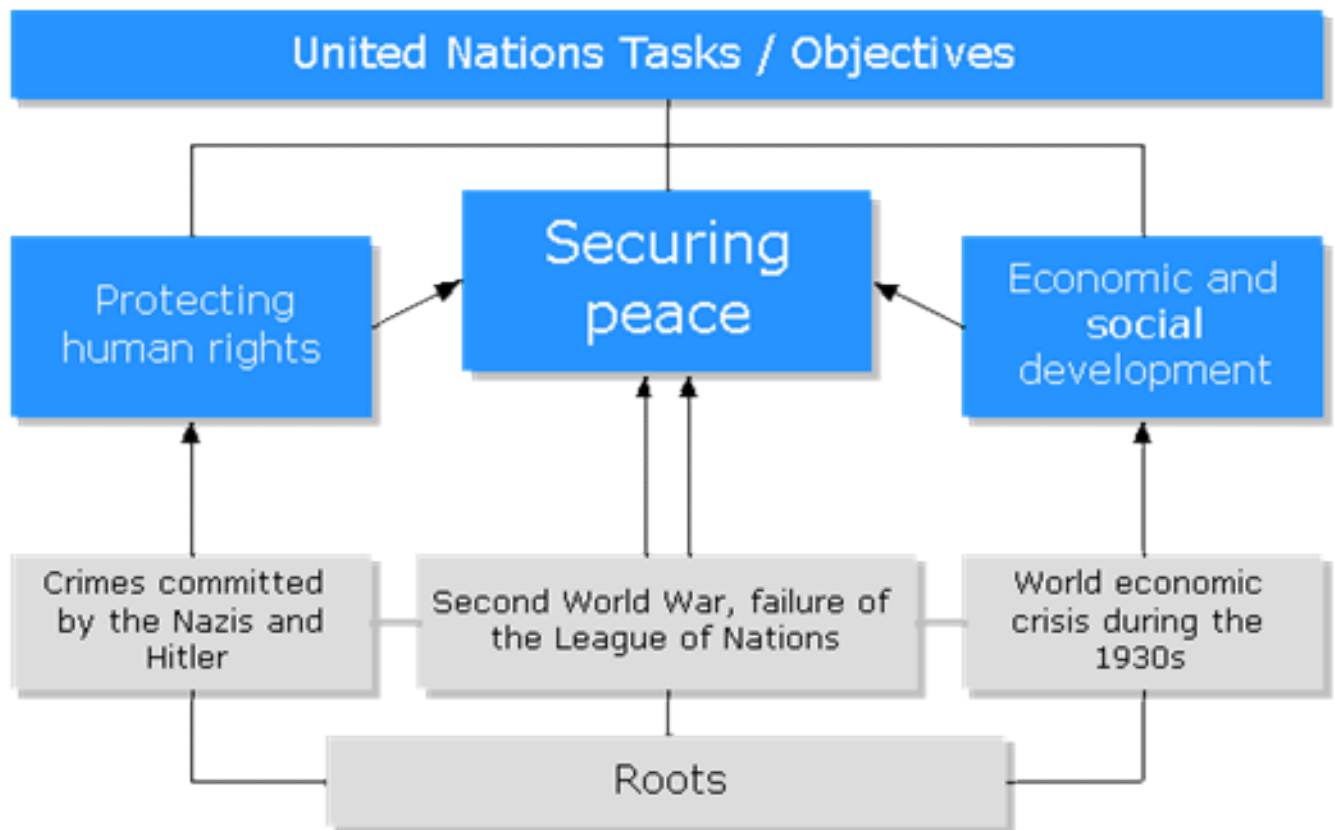
Human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties

UN Development Group's Human Rights Mainstreaming Mechanism (UNDG-HRM) advances human rights mainstreaming efforts within the UN development system.

Commission on the Status of Women (CSW) is the principal global intergovernmental body dedicated to the promotion of gender equality and the advancement of women. UN Women, established in 2010, serves as its Secretariat.

Deliver Humanitarian Aid

Four UN entities, the United Nations Development Programme (UNDP), the United Nations Refugee Agency (UNHCR), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) have primary roles in the delivery of relief assistance. UNDP is the agency responsible for operational activities for natural disaster mitigation, prevention and preparedness. When emergencies occur, UNDP Resident Coordinators coordinate relief and rehabilitation efforts at the national level.



¹⁰Photo

CHAPTER TWO

United Nations Peacekeeping Forces

2.1 Introduction

United Nations Peacekeeping began to work after World War II, during the Cold War rivalries when they paralyzed the Security Council. Peacekeeping was primarily limited to maintaining ceasefires and stabilizing situations on the ground, providing crucial support for political efforts to resolve conflict by peaceful means. The first two peacekeeping operations deployed by the UN were the UN Truce Supervision Organization (UNTSO) and the UN Military Observer Group in India and Pakistan (UNMOGIP). In those operations UN military was unarmed but later in 1956 was deployed the earliest armed peacekeeping operation by United Nation Emergency Force. I already mention the UN peacekeeping force in Congo in 1960 which was one of the biggest operation with almost 20 000 military personnel and they demonstrated the risk of bringing stability in war crisis- 250 UN personnel died during the mission including the General Secretary Dag Hammarskjold. Next 10 years UN had missions in Dominican Republic, West New Guinea, Yemen, Cyprus, Middle East and Lebanon. In 1988 UN peacekeepers were awarded with the Nobel Peace Prize. Over the years UN peacekeeping has been deployed as a means dealing with intra-State conflicts and civil wars. In the UN peacekeeping operations were included: administrators, economists, police officers, legal experts, human rights monitors, civil affairs and governance specialists, humanitarian workers, communications and public information experts.

After the Cold War ended, there was a rapid increase in the number of peacekeeping operations. With a new consensus and a common sense of purpose, the Security Council authorized a total of 20 new operations between 1989 and 1994, raising the number of peacekeepers from 11,000 to 75,000. There were operations in Angola, Cambodia, El Salvador, Mozambique and Namibia were they deployed to:

- Help implement complex peace agreements;
- Stabilize the security situation;
- Re-organize military and police;

- Elect new governments and build democratic institutions.

In the following years there were really important operations for the UN peacekeepers like in Former Yugoslavia, Rwanda and Somalia. Also they keep their work in Middle East, Asia and Cyprus as well in Croatia, Angola, Macedonia, Bosnia and Herzegovina, Haiti and Guatemala. In 21-th century were new operations and challenges for the UN peacekeeping also and nowadays there are still happening missions of the peacekeepers which I will speak about them later in this chapter.

2.2 Principles of peacekeeping operations

There are three basic principles that continue to set UN peacekeeping operations apart as a tool for maintaining international peace and security¹¹:

1. Consent of the parties
2. Impartiality
3. Non-use of force except in self-defense and defense of the mandate

Consent of the Parties

Both parties during the conflict accept the UN peacekeeping forces for political process and providing the UN with freedom of action, political and physical and to carry out their mandated tasks. In the absence of such consent, a peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its fundamental role of keeping the peace.

Impartiality

UN peacekeepers should be impartial in their dealing with the parties in the conflict as impartiality is crucial to maintain the consent and cooperation of the main parties but should not be neutral in the execution in their mandate. Peacekeeping operation must scrupulously avoid activities that might compromise its image of impartiality. Failure to do so may undermine the peacekeeping operation's credibility and legitimacy, and may lead to a withdrawal of consent for its presence by one or more of the parties.

Non-use of force except in self-defense and defense of the mandate

¹¹ <https://peacekeeping.un.org/en/principles-of-peacekeeping>

As I already mention the UN peacekeeping operations are not an enforcement tool. They may use force with an authorization of the Security Council and in self-defense or defending the mandate. This is envisaged in Chapter VII of the UN Charter¹²:

- Robust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict.
- By contrast, peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council.

The use of force should be the last resort for UN peacekeepers because if they use it may it take some have political implications and can often give rise to unforeseen circumstances.

To form new operation UN have internal consultation to determine the best response by the international community as the conflict develops. These consultations are involving the potential host government or other parties on the ground, UN member States, regional and other intergovernmental organizations as well other relevant key expert partners. Then after the investigation and mission analyzes the General-Secretary will issue a report to the Security Council. This report will present options for the establishment of a peacekeeping operation as appropriate including its size and resources. The report will also include financial implications and statement of preliminary estimated costs. UN peacekeeping operation is deployed and authorized by the resolution of the Security Council. The resolution sets out the operation's mandate and size, and details the tasks it will be responsible for performing. The budget and resources is then subject to General Assembly approval.

The Secretary-General normally appoints a Head of Mission (usually a Special Representative) to direct the peacekeeping operation. The Head of Mission reports to the Under-Secretary-General for Peacekeeping Operations at the UN Headquarters.

The Secretary-General also appoints a peacekeeping operation's Force Commander and Police Commissioner, and senior civilian staff. The Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) are then responsible for staffing the civilian components of a peacekeeping operation.

In the meantime, the Head of Mission, DPKO and DFS lead the planning for the political, military, operational and support (i.e., logistics and administration) aspects of the peacekeeping operation. The

¹² <http://www.un.org/en/sections/un-charter/chapter-vii/index.html>

planning phase usually involves the establishment of a Headquarters-based joint working group or integrated mission task force, with participation of all relevant UN departments, funds and programmes.

Deployment of an operation proceeds then as quickly as possible, taking into account the security and political conditions on the ground. Peacekeepers wear their countries' uniform and are identified as UN Peacekeepers only by a UN blue helmet or beret and a badge. Peacekeeping force has military and police, contributed by the Member States of the UN.

2.2.1 Peacekeepers

UN Peacekeepers come with diverse cultural backgrounds and when they serve in United Nations they are united with mission to maintain or restore world security and peace. Peacekeepers are civilian, military and police personnel all working together. Since the establishment of the UN peacekeeping operation until now there were included more than one million men and women who have been served under the flag of the United Nations. Women also have had a role in peacekeeping and the General-Secretary wants to increase the number. In the UN headquarters there are already 18 % woman in military staff Women peacekeepers service in all peacekeeping capacities, civilian, military and police. Special training is required to ensure that UN personnel are equipped with the knowledge, skills, and attitudes required to perform diverse duties and to be prepared for particularly challenging situations.

Also to mention the tragically part where since 1948 until the end of 2018 over 3,780 peacekeepers have lost their lives in the cause of peace.¹³

Here are statistic of the fatalities by appointment and incident type:

By incident type		By appointment type	
Accident	1,325	Military	2,723
Illness	1,198	Local Civilians	390
Malicious Act	1,004	Police	277
Other	254	International Civilian	257
		Military Observer	90
		Other	43

¹³ <https://peacekeeping.un.org/en/fatalities>

2.2.2 The goal of the UN peacekeeping force

Protecting Civilians

During the end of the 20th century in internal conflicts, the civil population becomes target of attacks. Several UN peacekeeping missions were faced with systematic attacks on civilians that peacekeepers were ill-prepared to address. In these conflicts armed groups were targeting civilians, including the use of sexual violence as a tactic of war and grave violations of children's rights. Security Council placed the protection of civilians on its agenda and developed resolutions to strength the role of peacekeepers to protect. Nowadays more than 95% of the peacekeepers are mandated to protect civilians including the protection of children and protecting against conflict-related sexual violence.

While I was interviewing Serbian people in East Croatia in the village Latinovac about the conflict in Former Yugoslavia they have been told me that they were forced to leave their own houses and later those houses should be inhabited by Croats. If they refused this action then later they were facing with big violence. Other interviewer told me that she needed to move from her city Vukovar to South Serbia, Vojvodina so she can protect her family from attacks on the civil population.

Other activities of the peacekeepers are Preventing conflicts, Building Rule of Law and Security Institution, to Promote human rights, Promoting woman, peace, security and delivering field support.

2.3 UN peacekeeping missions at the moment

Nowadays there are 14 peacekeeping operations led by the Department of Peacekeeping Operations¹⁴:

- (MINUJUSTH) -The mandate of the United Nations Mission for Justice Support in Haiti is set out in the Security Council Resolution 2350 (2017), which was adopted on 13 April 2017. In this mission are included 1564 personnel, 325 are Civilians, 1,233 Police and 6 UN Volunteers.
- (MINURSO) - The United Nations Mission for the Referendum in Western Sahara was established by Security Council resolution 690 of 29 April 1991 in accordance with settlement proposals accepted on 30 August 1988 by Morocco.
- United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic with headquarters in Bangui.

¹⁴ <https://peacekeeping.un.org/en/where-we-operate>

- (MINUSMA) - The United Nations Multidimensional Integrated Stabilization Mission in Mali was established by Security Council resolution 2100 of 25 April 2013 to support political processes in that country and carry out a number of security-related tasks.
- (MONUSCO) – United Nations Organization Stabilization Mission in the Democratic Republic of Congo took over from an earlier UN peacekeeping operation – the United Nations Organization Mission in Democratic Republic of the Congo (MONUC) – on 1 July 2010. It was done in accordance with Security Council resolution 1925 of 28 May to reflect the new phase reached in the country.
- (UNAMID) - The African Union - United Nations Hybrid Operation in Darfur, referred to by its acronym UNAMID, was established on 31 July 2007 with the adoption of Security Council resolution 1769 with headquarters in El Fasher.
- (UNDOF) - The United Nations Disengagement Observer Force was established on 31 May 1974 by Security Council resolution 350 (1974), following the agreed disengagement of the Israeli and Syrian forces in the Golan.
- UNFICYP – United Nations Peacekeeping Force in Cyprus with headquarters in Nicosia. It's set up by the Security Council in 1964 to prevent further fighting between the Greek Cypriot and Turkish Cypriot communities. Nowadays there is still UNFICYP to supervise ceasefire lines and to support the good offices of the Secretary-General.
- (UNIFIL) – United Nations Interim Force In Lebanon was created by the Security Council in March 1978 to confirm Israeli withdrawal from Lebanon, restore international peace and security and assist the Lebanese Government in restoring its effective authority in the area.
- (UNISFA) – United Nations Interim Security Force For Abyei was established by Security Council resolution 1990 to demilitarizing and monitoring peace in the disputed Abyei area with headquarters in Abyei Town.
- (UNMIK) – United Nations Interim Administration Mission in Kosovo was established by Security Council resolution 1244 on 10 June 1999 with headquarters in Pristina to promote security, respect for human rights and stability in Kosovo.
- (UNMISS) – United Nations Mission in the Republic of South Sudan with headquarters in Juba is set up to protect civilians, monitoring human rights and supporting of implementation of cessation of hostilities agreement.
- (UNMOGIP) – United Nations Military Observer Group in India and Pakistan with headquarters in Islamabad (November to April) and Srinagar (May to October) was established in 1949 to observe the ceasefire in Jammu and Kashmir.

- (UNTSO) – United Nations Truce Supervision Organization was established in May 1948 with headquarters in Government House in Jerusalem and is the first UN peacekeeping operation with mission to bring stability in the Middle East.

CHAPTER THREE

United Nations and the war in former Yugoslavia

3.1 The conceptual framework

The conflict in former Yugoslavia has been extensively discussed in the Security Council, the United Nations' main decision-making organ of its collective security system, which is responsible for the maintenance of international peace and security. Since the adoption of the first resolution on the arms embargo, in September 1991, the Council has adopted no less than some 100 resolutions, making it almost impossible for outsiders to oversee the decision-making process. The resolutions covered a broad range of issues, such as the arms embargo, economic sanctions, international humanitarian law issues, including the war crimes tribunal, humanitarian assistance, the ban on military flights, the use of force, safe areas, UNPROFOR's mandate and cooperation between the UN and regional organizations.

The involvement of the United Nations in former Yugoslavia before Dayton led to the application of an unprecedented mixture of policy instruments in one operation where never seen before in the history of the UN. United Nations role encompassed a conceptual framework for this involvement in terms of preventive diplomacy, peace-making, peace-keeping, humanitarian assistance, peace-enforcement and, sub-contracting'' between the UN and regional organizations. The unintentional framework gave all the Security Council's consecutive resolutions their place in a surprisingly coherent framework. The UN's main concerns were the containment of the conflict within the borders of both Croatia and Bosnia-Herzegovina, the establishment of a case-fire, the search of a peaceful, political settlement of the conflicts in the region and a large-scale humanitarian assistance operation. The Security Council followed a pragmatic approach and adapted UNPROFOR's mandate, which originally was limited to the territory of Croatia and Bosnia as well. The circumstances under which the UN blue helmets had to operate in Bosnia were exceptional. Two conditions for the deployment of a peace-keeping operation were not fulfilled: there was no case-fire and there was no peace-settlement.¹⁵

¹⁵ -UN Peacekeeping in Trouble: Lessons Learned from the Former Yugoslavia- Wolfgang Biermann, Editor ; Martin Vadset,(1999)

Peace-keeping is a concept that saw developed within the United Nations. It had been the most visible part of the UN's modest contribution to the maintenance of international peace and security. Because of that peace-keeping was meant to be a peaceful policy instrument. Peace-keeping is instrument that need to no use force. This was reflected in the proverb: Peace-keeping is not a soldier's job but only soldiers can do it ". With establishing of the UNPROFOR and the UN peace-keeping history is well known rule that not to use force. Than was first time in history to use force only because the self-defense. In UN, *peace-making* is related to negotiations aimed at finding a political settlement. Peace-making and peace-keeping are interrelated. That means that peace-keeping is part of the peace-making process, to create the necessary conditions for the diplomats to do their work. From the beginning the conflicts in Yugoslavia there were many diplomatic efforts to find agreement and solution on case-fire and a peace agreement. More known are the Vance plan (January 1992) later after a half year of fighting United Nations Protection Force was deployed in the so-called United Nation Protected Area's (UNPAs). In Croatia UN acted as a mediator but in the case of Bosnia-Herzegovina the peace-making efforts were done by the European Community (EC). The same year started the mediation efforts of the International Conference in Former Yugoslavia (ICFY). There were also two more plans: Vance-Owen plan and the Owen-Stoltenberg plan. All this plans, negotiations and mediation efforts led to the Dayton Peace Agreement. UN also was involved in Bosnia with the *humanitarian assistance*, there the Council adopted Resolution 770 and 776 were was created possibility of taking enforcement measures for the delivery of humanitarian assistance and the Council decided to appoint the UN High Commissioner for Refugees (UNHCR) as the lead-agency for the humanitarian program in Bosnia. During the conflict in the Former Yugoslavia, Security Council authorized member states, acting nationally or trough regional organizations to intervene in conflict situations; this was referred to as *sub-contracting*.

Conceptual Framework

INSTRUMENTS

* Preventive diplomacy:

- Preventive deployment

* Peace-making:

- EC

- EC/UN: ICFY:

- Croatia-Vance plan

- Bosnia and Herzegovina: Vance-Owen plan; Vance – Stoltenberg plan; Contact

group plan; Holbrooke plan

*Peace-keeping:

- ECMM

- UNPROFOR

- UNPROFOR: close air support

- UNPROFOR: Rapid Reaction Force

*Humanitarian assistance:

- UNHCR: Lead agency

- UNPROFOR: Protective support

*Peace-enforcement:

- Arms embargo/sanctions

- International Tribunal

- Use of force: no-fly zone; safe areas: air strikes

*Relationship UN – Regional organizations:

- #EU: -Peace-making ICFY, Peace-keeping

- # UN-NATO: -Enforcement maritime embargo and no-fly zone, safe areas:

air strikes, security UNPROFOR: close air support, Withdrawal UN forces

- #UN-OSCE: -Mission Kosovo, Sandjak, Vojvodina, Mission Macedonia

3.2 The establishment of UNPROFOR

In Croatia, Serious fighting began in June 1991 when that Republic and its northern neighbor, Slovenia, declared them self's as independent countries from Yugoslavia. The United Nations became actively involved in the situation in Yugoslavia on 25 September 1991 when the Security Council, meeting at the ministerial level, unanimously adopted its resolution 713 (1991) expressing deep concern at the fighting in that country and calling on all States to implement immediately a "general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia". After the efforts of the UN and the Security Council to find a solution of the crisis in the next few months and their difficulties to maintain the peace, thereafter all resolutions, plans and negotiation, on 15 February 1992, the Secretary-General recommended to the Security Council the establishment of United Nations Protection Force¹⁶. In making this recommendation, he stressed that, in his view, the danger that a United Nations peace-keeping operation would fail for lack of cooperation from the parties was less grievous than the danger that delay in its dispatch would lead to a breakdown of the cease-fire and to a new conflagration.

On 21 February, the Security Council, by its resolution 743 (1992), approved the report and established UNPROFOR for an initial period of 12 months. The Council confirmed that the Force should be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis within the framework of the European Community's Conference on Yugoslavia. It requested the Secretary-General to deploy immediately those elements of UNPROFOR which could assist in developing an implementation plan for the earliest possible full deployment of the Force.¹⁷

UNPROFOR's Mandate

The mandate of UNPROFOR encompassed a number of classical peace-keeping tasks and tasks related to the execution of peace-enforcement measures. The classical tasks, among others, the use of good offices to assist the parties to end the fighting and settle their differences by peaceful means; the supervision of the operation of Sarajevo airport, which led to the longest airlift in aviation history, humanitarian convoy protection; the deployment of monitors on the Bosnian borders of Bosnia as part of

¹ http://www.un.org/Depts/DPKO/Missions/unprof_b.htm

¹⁷ The United Nations and NATO in Former Yugoslavia 1991-1996: Limits to diplomacy and force- Dick A Leurdijk, Author ; Auke P Venema, Author (1996)

the implementation of the arms embargo.

UNPROFOR's primary task in Bosnia was to support the provision of humanitarian assistance, in what would become 'one of the worst humanitarian emergencies of our time'¹⁸.

Peacekeeping principles

The classic peacekeeping principles of consent, impartiality and use of force in self-defense remain fundamental to success. But Nations need to know how to interpret 'self-defense'. The amount of force that is used in the first weeks of a UN peacekeeping operation is key. Should it moderate or robust? Negotiations need to be conducted consistently and the UN must be ready to use force in self-defense against all parties. Factions will tolerate the use of force in self-defense if they can see it is being done in an even-handed fashion – in an impartial way.

The diplomatic process frequently violated peacekeeping's basic principles.

UNPROFOR Structure and Composition

UNPROFOR is headed by the Secretary-General's Special Representative for the former Yugoslavia and includes military, civil affairs (including civilian police), public information and administrative components, with overall headquarters in Zagreb, Croatia. As of 30 November 1994, the strength of the military personnel actually deployed in theatre, led by the Force Commander, amounted to 38,810, including 680 United Nations military observers. There were also 727 civilian police, 1,870 international civilian staff (including 1,353 contractual personnel who are not members of the international civil service) and 2,188 local staff. UNPROFOR is thus the largest peace-keeping operation in the history of the United Nations.

Financial aspects of UNPROFOR

The rough cost to the United Nations of UNPROFOR in 1994 was about \$1.6 billion. The costs are met by assessed contributions from Member States. As at 30 November 1994, contributions outstanding to the UNPROFOR Special Account for the period from the inception of the operation to 30 November 1994 amounted to about \$698 million.

¹⁸ Report of the Secretary-General pursuant to Security Resolutions 757,758,761 (1992); Document S/24263

The fall of Srebrenica

On July 11, 1995, towards the end of Bosnia's 1992-95 war, Bosnian Serb forces swept into the eastern Srebrenica enclave and killed 8,000 Muslim men and boys in the days that followed, dumping their bodies into pits. It was the worst massacre in post-Second World War European history. The UN had previously declared the town one of the safe areas, to be "free from any armed attack or any other hostile act". 600 Dutch infantry were supposed to be protecting thousands of civilians who had taken refuge from earlier Serb offensives in north-eastern Bosnia.

As Serb forces began shelling Srebrenica, Bosnian Muslim fighters in the town asked for the return of weapons they had surrendered to the UN peacekeepers but their request was refused. The Dutch peacekeepers were obliged to watch as the killings began. The failure led in part to the creation of the United Nations Peacebuilding Commission and set the West on a new course of 'liberal interventionism'.

3.3 The establishment of IFOR

On 15 December 1995, UN Security Council authorized the deployment of the NATO-led Implementation Force (IFOR) in Resolution 1031¹⁹. IFOR was deployed in Bosnia and Herzegovina (BiH) in December 1995 with a one-year mandate. The resolution authorized a deployment of 60,000 troops in Bosnia and Herzegovina to implement peace²⁰. Eighteen non-NATO countries, including Russia, former members of the Warsaw Pact, and the Arab League, contributed troops to the IFOR. ²¹"This gave it a mandate not just to maintain peace, but also, where necessary, to enforce it." The main aim of IFOR was to oversee the implementation of the military aspects of the Dayton Accord. Its main task was to guarantee the end of hostilities and separate the fighting forces of the Bosnian Serbs, Bosnian Croats, and Bosnian Muslims.

As mandated in the Dayton Accord, the mandate of the United Nations Protection Force (UNPROFOR) was terminated on 20 December 1995, leading to the deployment of IFOR. UN Security

¹⁹ "Report of the Secretary-General Pursuant to Security Council Resolution 1026," *U.N. Security Council (S/1995/1031)*, December 13, 1995.

²⁰ "SFOR Fact Sheet - SFOR Restructuring," *Stabilization Force (SFOR)*, 2004, accessed April 19, 2011,

²¹ Lawrence Kaplan, *NATO Divided, NATO United: The Evolution of an Alliance*, (Westport, CT: Praeger, 2004), 121.

Council Resolution 1035 of 21 December 1995 transferred the peacekeeping mandate from the UN to the NATO-led IFOR.

Once IFOR was deployed on the ground, it “oversaw the transfer of territory between the Federation of Bosnia and Herzegovina and Republika Srpska, the demarcation of the inter-entity boundary, and the removal of heavy weapons into approved containment sites. “As the situation on the ground improved, IFOR began providing support to organizations involved in overseeing the implementation of the civilian aspects of the Dayton Peace Agreement, including the Office of the High Representative, the Organization for Security and Co-operation in Europe and the United Nations. ²²” Once post-conflict elections were completed in September 1996, IFOR’s goals were realized in Bosnia and Herzegovina. Because the situation was still unstable, NATO agreed to deploy a new Stabilization Force (SFOR) in December 1996. SFOR operated under Chapter VII of the UN Charter, deriving its authority from the UN Security Council Resolution 1088 of 12 December 1996. The main aim of SFOR was to contribute to a safe and secure environment for the post-conflict reconstruction.

3.4 UNHCR in the Balkans

The socio-political context of the humanitarian operation

For the first two years of the war, the fighting involved three parties: the Bosnian government, the Bosnian Croats and the Bosnian Serbs. Although tensions between them continued, fighting between Bosnian government and Bosnian Croat forces came to an end in March 1994, with the Washington Agreement and the creation of the Muslim-Croat Federation²³.

As a result of the brutal and systematic campaigns of ethnic cleansing, this took place throughout the war, over half the population of Bosnia was uprooted. Hundreds of thousands of people became dependent on humanitarian assistance, particularly in the besieged enclaves of Sarajevo, Srebrenica, Zepa, Gorazde and Bihac. By December 1995, out of a pre-war population of some 4.3 million, and estimated 900,000 had become refugees in neighboring countries and Western Europe, while a further 1.3 million had become internally displaced.

²² D.A. Leurdijk, *The United Nations and NATO in Former Yugoslavia, 1991–1996: Limits to Diplomacy and Force*, The Hague 1996, page 45

²³ <http://www.unhcr.org/research/working/3ae6a0c58/humanitarian-operation-bosnia-1992-95-dilemmas-negotiating-humanitarian.html>

Unable to agree politically on ways to end the conflict, the international community concentrated largely on the humanitarian relief operation led by UNHCR. Operating under extremely difficult conditions, UNHCR managed to deliver some 950,000 metric tonnes of humanitarian assistance to some 2.7 million beneficiaries in Bosnia between 1992 and 1995. It became UNHCR's largest humanitarian operation ever.

The role of UNHCR as the lead humanitarian agency

In 1992 UNHCR was designated by the Secretary-General as the lead UN agency for the delivery of humanitarian assistance in the former Yugoslavia. As a result, almost the entire humanitarian operation in Bosnia was coordinated by UNHCR. By the end of 1995 there were over 250 international humanitarian organizations operating under the UNHCR 'umbrella'.

Other significant actors amongst the humanitarian community who often negotiated with the parties were WHO, which played an important role in terms of negotiating access for medical supplies, and the Office of the UN Special Coordinator for Sarajevo (UNSCS), which negotiated access for materials required for the maintenance of vital utilities in UN Special Coordinator for Sarajevo (UNSCS), Sarajevo. Both WHO and UNSCS coordinated their activities closely with UNHCR.

Substantial quantities of humanitarian supplies were also delivered to Bosnia by CARITAS (a Catholic NGO operating out of Croatia) and by Dobrotvor (an Orthodox NGO operating out of Serbia). They often operated independently of UNHCR.

Following the International Meeting and a subsequent related meeting of the Inter-Agency Standing Committee, an Inter-Agency Assessment Mission, coordinated by UNHCR with the assistance of the United Nations Department of Humanitarian Affairs, visited the Republics of the former Yugoslavia from 9 to 16 August 1992, to reassess the emergency humanitarian requirements. According to the findings of the Mission, over 2.7 million people were directly affected by the crisis and were in need of emergency humanitarian assistance - particularly in the areas of food, shelter and health care. On the basis of those findings, the Department of Humanitarian Affairs, in close collaboration with UNHCR, other concerned United Nations agencies and NGOs, formulated a Consolidated Inter-Agency Programme of Action and Appeal for the period September 1992 to March 1993. The overall requirements identified by the Assessment Mission amounted to over \$1 billion. Subsequently, it was established that \$434 million would be required for addressing life-threatening priority needs to be channeled through the United Nations system. The areas targeted for immediate relief were food, health services and shelter.

Summary and conclusions

During the war in Bosnia, UNHCR and other humanitarian organizations managed to achieve a great

deal against all the odds. The fact that UNHCR was able to deliver almost a million tons of food, medical supplies and other urgently needed items in the midst of an active armed conflict, was in itself a remarkable achievement. Humanitarian organizations did an enormous amount to alleviate human suffering. Many Bosnian civilians who are alive today would not have survived without them.

UNPROFOR provided vital security and logistics support for the humanitarian operation, but its presence did not always have the effect of improving humanitarian access. While it was extremely successful in keeping the main supply routes open in government-held territory in central Bosnia, it had little success in facilitating access to areas which required movement through Bosnian Serb territory.

Important lessons may be learnt from the experience of negotiating humanitarian access in Bosnia. As in other emergency relief operations, humanitarian actors faced both external and internal constraints. In terms of external constraints, it was clear that for both the warring parties and the international community in general, the importance of ensuring humanitarian access always remained subordinate to other political and strategic considerations

CHAPTER FOUR

Bosnian War Crimes:

The International Criminal Tribunal for the former Yugoslavia

4.1 Introduction

War crimes were an integral part of the 1992-1995 Bosnian war. Shortly before recognition of Bosnia by the European Community and the United States in April 1992, Bosnian Serb militiamen and the Yugoslav Army (part of which was later converted into the Bosnian Serb army) launched attacks throughout the republic against unarmed or poorly armed civilians. Most observers believe that most war crimes committed by the Bosnian Serbs from 1992 until the end of the war in 1995 were not unplanned, scattered excesses by a few soldiers, but a key aspect of the political and military strategy of Bosnian Serb leaders. They besieged the Bosnian capital of Sarajevo, killing civilians by indiscriminate shelling and sniper attacks. Bosnian Serb militias forced hundreds of thousands of non-Serb civilians from their homes, committing tens of thousands of acts of murder, rape and torture, in a systematic policy of "ethnic cleansing."

This policy was aimed at creating a territorially compact, ethnically "pure" Serb state, (comprising about two-thirds of the republic's territory) which would then be united with Serbia and Montenegro and an ethnically-cleansed region carved out of Croatia by similar means in 1991. Although Serbs are seen by many observers as the main culprits, Croats also committed substantial numbers of war crimes. Croat extremists in Hercegovina and central Bosnia carried out a brutal ethnic cleansing campaign against Muslims during their 1993-1994 war in a drive to create an ethnically pure Croat state that could be united with Croatia. There are also numerous reports of war crimes committed by Muslims, albeit fewer than those committed by the other two groups, according to observers. Reports of war crimes in Bosnia have had an important impact on U.S. and Western policy toward the conflict. Pictures in Western media of Serb detention camps where inmates were routinely starved, tortured and raped, as well as carnage caused by the shelling of Sarajevo, provoked international outrage and calls for (usually unspecified) action. U.S. and European policymakers felt a need to deal with the emotional issue of war crimes, but did not want to be drawn into the Bosnian war as combatants or police.²⁴

Policymakers were also trying to establish a legal precedent for action, in order deter future war

²⁴ Raphael Perl, Specialist in International Affairs and Steven Wohler, Specialist in European Affairs

crimes elsewhere. A first step was the establishment of a war crimes commission to collect evidence of atrocities in the former Yugoslavia. The Commission of Experts on the Former Yugoslavia was established by U.N. Security Council Resolution 780 in October 1992. The final report of the commission, more than 3,000 pages, was submitted to the U.N. Secretary-General in May 1994. While the Commission of Experts was gathering material on war crimes, the members of the U.N. Security Council reached agreement on the establishment of a war crimes tribunal.²⁵

The International Criminal Tribunal for the Former Yugoslavia was established by U.N. Security Council Resolution 808 on May 25, 1993. It is the first international tribunal for prosecution of war crimes since the Nuremberg and Tokyo trials of fifty years ago. From the establishing of the Tribunal in 1993 a total of 161 persons were indicted; the final indictments were issued in December 2004, the last of which were confirmed and unsealed in the spring of 2005. The final fugitive, Goran Hadžić, was arrested on 20 July 2011. The final judgment was issued on 29 November 2017 and the institution formally ceased to exist on 31 December 2017. In the early years of the ICTY the first investigators faced a major challenge: the investigation of alleged crimes while the conflicts in Croatia (1991-5) and Bosnia and Herzegovina (1992-5) were still ongoing. The UN protection force (UNPROFOR) deployed in both of these states did not control security on the ground and often warring parties refused to permit Tribunal investigators access to reported crime scenes or witnesses.²⁶ The first case in ICTY was after horrific attacks on Bosnian Muslims and Croats in northwest Bosnia were Dusko Tadic was accused and become the first person to go to trial. Dragan Nikolić, a commander in the Sušica detention camp in Bosnia established by Serb forces in June 1992 was the first person to be indicted before ICTY. Nikolić, indicted in 1994, did not come into the Tribunal's custody until 2000. Those indicted include former Bosnian Serb leader Radovan Karadzic and former army Chief Ratko Mladic.²⁷ Ratko Mladic was found guilty of committing war crimes, crimes against humanity, and genocide by the ICTY. The Tribunal's indictment of Mladić and Karadžić less than two and half years after its establishment demonstrated how far the Tribunal had developed in investigating and building credible charges against military and political leaders. On 22 November 2017, Ratko Mladić was sentenced to life in prison by the ICTY for 10 charges, one of genocide, five of crimes against humanity and four of violations of the laws or customs of war. He was cleared of one count of genocide. As the top military officer with command responsibility, Mladić was deemed by the ICTY to be

²⁵ Final Report of the United Nations Commission of Experts: Annex Summaries and Conclusions, U.N. Security Council Document, S/1994/672/Add2 (Volume I) 28 December 1994.

²⁶ <http://www.icty.org/sid/95>

²⁷ International Court of Justice, Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro), filed March 23, 1993. 10Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995), rehearing denied.

responsible for the siege of Sarajevo and the Srebrenica massacre. On 24 March 2016, Radovan Karadžić was found guilty of the genocide in Srebrenica, war crimes, and crimes against humanity, 10 of the 11 charges in total, and sentenced to 40 years' imprisonment. In 1998 the prosecution faced a new challenge with the growth of violence in Kosovo. In December 1999, Carla Del Ponte the chief prosecutor of the ICTY have told the media that there are 36 investigation and around 150 suspects on the Kosovo conflict. Furthermore, it turned out that crimes under the ICTY's mandate had not ceased with the end of the Kosovo conflict. Following the outbreak of an armed conflict between government forces and organized Albanian rebel groups in FYROM in 2001, the ICTY Prosecutor decided to exercise her mandate to investigate allegations that war crimes had been committed by both sides in that conflict. The Tribunal's exercise of primacy over those cases was contested by the FYROM courts and therefore a deferral hearing was held before a Tribunal Trial Chamber on 25 September 2003 to resolve the issue of primacy. As a result, five war crimes investigations before the national courts were deferred to the jurisdiction of the ICTY. One of them later resulted in an indictment before the Tribunal; the others are to be returned to the jurisdiction of the FYROM authorities. In December 2004, the ICTY Prosecutor signed the final indictments, the last of which were confirmed and unsealed in the spring of 2005. The EU's decision to make ICTY compliance a condition for integration negotiations was instrumental for achieving unprecedented results in terms of arrests and surrenders. Within six months at the turn of 2004/2005, more than 20 accused were transferred to the Tribunal's custody. Mid-2009, only two fugitives remained: Ratko Mladić and Goran Hadžić. . In July 2007, for the first time ever, as many as 26 accused were on trial simultaneously. It is also important that political support for the successful completion of the Tribunal's work remains strong. Over the years, the Prosecutor has made constant efforts to secure arrests, obtain evidence and generally maintain the level of cooperation and support among states and non-governmental organisations needed to bring cases to trial successfully. That kind of diplomatic work will continue throughout the final phase of the OTP's operations.

The Tribunal initially got off to a slow start in part due to difficulties in finding judges and prosecutors, and inadequate funding. War crimes played a significant role in bringing the war to an end. After the Bosnian Serbs overran the U.N.-declared "safe areas" of Srebrenica and Zepa in July 1995, reports soon emerged that the Bosnian Serbs executed an estimated 6,000 to 8,000 civilians and dumped their bodies into mass graves. International outrage over the atrocities caused the United Nations and NATO to agree, in response to strong U.S. pressure, to more extensive use of air strikes in response to attacks on safe areas. Massive NATO air strikes were launched in August 1995 in response to Bosnian Serb shelling of Sarajevo (for which Bosnian Serb leaders have been indicted by the Tribunal.) These strikes, combined with Muslim and Croat battlefield successes at around the same time, led the Bosnian Serbs

and their patrons in Serbia-Montenegro to agree to U.S.-sponsored peace talks in Dayton, Ohio in November. The Dayton peace accords, initialed in November 1995, were signed in Paris a month later.²⁸ The Bosnian peace agreement includes many provisions requiring the parties to cooperate with the ICTY. The General Framework Agreement commits all parties to "cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law. (Article IX)" Article X of Annex I-A to the peace agreement provides that the parties "shall cooperate fully with all entities involved in implementation of this peace settlement...including the International [War Crimes] Tribunal for the Former Yugoslavia..." The Bosnian constitution (Annex 4 of the peace agreement) requires the entities to cooperate fully with the Tribunal (Article II, Section 8) and bars persons indicted by the Tribunal from public office (Article IX, Section 1). Annex 6 of the peace agreement requires local authorities to cooperate with the ICTY (Chapter 3, Article VIII, and Section 4).

Article VI of Annex 11 provides that U.N.-sponsored International Police Task Force (IPTF) personnel shall provide information on human rights violations to the war crimes tribunal and that the parties "shall cooperate with investigations of law enforcement forces and officials". A conference, held in Rome in February 1996 on implementation of the Dayton Accords produced further agreement on war crimes cooperation. The parties recognized "their obligation to cooperate fully in the investigation and prosecution of war crimes". They specifically agreed to provide unrestricted access to war crimes suspects and investigation sites. The NATO Implementation Force [IFOR], it was noted, "will work to provide a secure working environment for the completion of these tasks." The parties also agreed to what were dubbed the "rules of the road:" if the parties wanted to arrest or indict a suspect, an order must be reviewed by the Tribunal and deemed consistent with international legal standards. A June 1996 international peace accord review conference called for the removal of indicted war criminal Radovan Karadzic from power. Tribunal President Antonio Cassese called for the arrest and extradition of indicted war criminals as a precondition for Bosnian elections that were held in September 1996. Cassese repeated an earlier recommendation that economic sanctions be applied to enforce compliance with the tribunal.²⁹

The conference demanded the removal of Karadzic but stopped short of calling for a re-imposition of sanctions against violators, but rather referred to sanctions as a measure of last resort. Karadzic was removed in July 1996, after a meeting between U.S. envoy Richard Holbrooke and Serbian leader Slobodan Milosevic. An international conference in London in December 1996 to assess the implementation of the peace accord warned the parties to the agreement that economic reconstruction

²⁸ NATO Press Release (96)26, IFOR Assistance to the International Tribunal, 14 February 1996.

²⁹ *The Statute of the International Tribunal, Annex to the Report of the Secretary-General, supra notes 9, at 36-48.*

assistance is closely linked to their cooperation with the Tribunal. Because of their failure to implement provisions of the peace accord, including cooperation with the Tribunal, the Republika Srpska received only about 2% of international reconstruction aid for Bosnia in 1996. NATO policy on IFOR assistance to the International Tribunal provided that IFOR personnel would detain and transfer indicted persons to the tribunal when they come into contact with such persons in the course of carrying out their duty.⁴ In December 1996, IFOR was formally replaced by a Stabilization Force (SFOR), an approximately 31,000-person NATO-led force with essentially the same mandate as IFOR. This force, which will be reduced as conditions improve in Bosnia, will stay in Bosnia until a self-sustaining peace takes hold.

An ongoing issue of central concern to the Administration and Congress is the impact of the Tribunal's activities on the peace process and on the safety of U.S. forces in Bosnia. The relationship of the Tribunal to the peace process in Bosnia is a difficult and delicate issue. Some observers have raised concerns that that vigorous pursuit of war criminals may hurt the peace process. Unlike the Nuremberg Trials, where the victors dispensed justice to a vanquished enemy, the Bosnian peace agreement was the product of negotiations among factions which counted suspected 3 Rome Implementation Agreement of 18 February 1995, Article 5, Cooperation on War Crimes and Respect for Human Rights. NATO Press Release (96)26, IFOR Assistance to the International Tribunal, 14 February 1996. CRS-4 war criminals, within their leadership (at least as far as the Bosnian Serbs and Croats are concerned). If these persons are arrested, their supporters could stop implementing the peace accord or engage in acts of violence against peacekeepers. This concern may be one reason why IFOR and its successor, SFOR, have appeared reluctant to seize suspects or guard war crimes sites. Other observers strongly believe that a lasting peace is impossible for Bosnia unless there is justice. They believe that the recriminations caused by war crimes can only give way to reconciliation if the desire to assign collective guilt to another ethnic group and exact revenge is replaced by the desire to bring to justice the individuals of all ethnic groups who committed the crimes. An additional concern, which appears to have emerged as a consensus view in the past year among U.S. and other Western leaders, is that if suspected war criminals remain at large, the implementation of the peace agreement could be undermined their direct efforts, by their ability to discredit the international community by defying it, or by keeping alive the extreme nationalist ideology that caused the war and would prevent efforts to re-integrate Bosnia.

Other related issues, center around the Tribunal, its future, its ability to implement and enforce decisions. Should the Tribunal come to be seen as a success, those urging the creation of a permanent international criminal court will be encouraged. Finally, the issue of U.S. support for the International Criminal Court for the Former Yugoslavia or any subsequently established U.N. international criminal tribunal may have policy implications that go well beyond the current situation in Bosnia. Broader issues could include U.S. world leadership roles and the potential for U.S. participation in policing what could be

remote areas of the world as well as what may be seen as surrender of national sovereignty to an international body. The first part of this paper describes the principles underlying the establishment of the Tribunal, its procedural rules, organizational structure, financing mechanism and current operational problems. The next section details U.S. policy toward the Tribunal, including U.S. political, financial and intelligence support for the Tribunal's efforts. The third section addresses the relationship of IFOR and its successor, SFOR, to the Tribunal, especially on the issues of the detention of suspected war criminals and on security for mass grave sites and Tribunal investigators. The fourth section of the paper discusses congressional action on the Tribunal. The following section deals with the impact of the Tribunal on the Bosnian peace process, while the final section lays out broader questions and implications for the future raised by the establishment of the Tribunal. Appendixes list the persons indicted by the Tribunal, provide background on the historical precedent for a war crimes tribunal, discuss proposals for a permanent international criminal tribunal, and provide details on the Tribunal's rules of procedure and evidence.

2.2 The International Criminal Tribunal for the Former Yugoslavia

Although some consensus on a definition of war crimes exists and observers have noted that war crimes have been committed in the course of many armed conflicts over the last half-century, the Tribunal for the former Yugoslavia is the first war crimes tribunal convened since the Nuremberg and Tokyo Tribunals following the end of World War II.

2.3 Authority and powers

The Security Council has passed a series of resolutions culminating in the establishment of the Tribunal for the former Yugoslavia under Chapter VII of the Charter of the United Nations, which authorizes the Security Council to take measures necessary to maintain or restore international peace and security.³⁰ The Report of the Secretary-General on the creation of the Tribunal 8 says that the ideal method of establishing it would have been by a treaty ratified by all parties involved. Such a treaty or convention could have established a permanent international criminal tribunal, which then could have handled the war crimes cases from the former Yugoslavia. However, the Report also notes that the interest in expeditious justice and the difficulties and length of time necessary to achieve an effective

³⁰ The Charter of the United Nations, chapter VII, reprinted as amended at Basic Documents of the United Nations, at 10 (Louis B. Sohn, Ed. 1968)

treaty dictated an alternative method of establishing the Tribunal. Given the volatile, uncertain situation in the former Yugoslavia, the consensus was that immediate action had to be taken. Therefore, the Security Council exercised its powers under Chapter VII of the Charter of the United Nations to establish the ad hoc Tribunal immediately, without the necessity of a convention.

There has been and is some concern that the Tribunal might undermine the peace because the parties to the Balkan conflict would be reluctant to turn over their own people, especially some of their leaders, for possible trial. There is further concern that any perceived bias of the Tribunal might cause a party to withdraw from the peace process in anger either that it was being unfairly penalized or that its grievances were being overlooked. However, the Report comments that the Tribunal could help the peace process by providing a neutral forum in which war crimes cases from all parties can be fairly resolved and redressed, thus reducing unresolved resentment and tensions over unpunished war crimes.

During the same period that the Security Council was in the process of establishing the Tribunal, Bosnia-Herzegovina filed a petition against Yugoslavia (Serbia-Montenegro) in the International Court of Justice (ICJ). The petition alleged war crimes in violation of the Genocide Convention by the military forces of Yugoslavia, sought an injunction ordering Yugoslavia to cease its genocidal actions and, also sought reparations from Yugoslavia for injuries to inhabitants of Bosnia and Herzegovina.³¹ This case is still pending. The jurisdiction of the ICJ is analogous to civil cases in which one party sues another for a remedy to an injury, whereas the jurisdiction of the Tribunal is analogous to criminal cases in which a public law enforcement authority prosecutes and seeks punishment of an individual accused of committing a crime. However, unlike civil suits in national courts, individuals cannot bring cases against individuals before the ICJ; only countries can bring cases of violations of international law by other countries.

Individual victims of war crimes in the former Yugoslavia may be able to seek compensation from those responsible for their injuries under national laws in national courts. Such a suit is proceeding in the federal courts of the United States. Two groups of victims seeking compensation for injuries are suing Radovan Karadzic under the Alien Tort Claims Act and the Torture Victim Protection Act of 1991. The District Court dismissed the case for lack of subject matter jurisdiction, but the Court of Appeals for the Second Circuit reversed and remanded on appeal. A petition for certiorari has been filed with the United States Supreme Court.

³¹ International Court of Justice, Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, *Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)*, filed March 23, 1993.

2.4 General Principles and Powers under the Statute

The Statute of the Tribunal defines the competence and jurisdiction of the Tribunal, that is, what crimes it is authorized to investigate and try and what general principles of law will govern the proceedings. Article 1 establishes that the Tribunal "shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991."³²

Articles 2 through 5 define the crimes, the subject matter jurisdiction of the Tribunal. The Report of the Secretary-General proposing the organization of the Tribunal notes that there are two main sources of international law, customary international law, which comprises the core of principles about which there is international consensus, and treaty/conventional law. Because not all states are parties to certain conventions and "there can be no crime where there is no [pre-existing] law," the Statute of the Tribunal adopted convention-based definitions of crimes only where the convention in question expressed definitions which had become a part of customary international law. The Report lists of the Secretary General, the conventions which beyond doubt have become part of customary international law: (1) the Geneva Conventions of 12 August 1949 for the Protection of War Victims;¹² (2) the Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto of 18 October 1907;¹³ (3)³³ the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 [the 1948 Convention] and the Charter of the International Military Tribunal of 8 August 1945 [the Charter of the Nuremberg Tribunal].¹⁵ The definition of the crimes which may be tried by the Tribunal according to its statute are thus derived from customary international law.

The crimes include grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war, genocide, and crimes against humanity. The Geneva Conventions of 1949 regulate the conduct of war by protecting certain categories of persons such as civilians, prisoners of war, and sick or wounded or shipwrecked members of the armed forces from certain actions such as willful killing and torture. Derived from the Hague Convention (IV) of 1907, the violations of the laws or customs of war include, among other things, use of poisonous weapons or other weapons of unnecessary suffering, attack of undefended towns, wanton, militarily unnecessary destruction of towns, plunder of property, and seizure, damage, or destruction of institutions dedicated to religion, charity, education, culture or science.

³² The Statute of the International Tribunal, Annex to the Report of the Secretary-General, *supra* note 9, at 36-48

³³ There are 3 categories of generally accepted international offences (derived from various international treaties and custom): (1) War Crimes and Grave Breaches of the Geneva Conventions; (2) Crimes Against Humanity; and (3) Genocide. See I. Bantekas and S. Nash, *International Criminal Law* (3rd edn, 2007).

The definition of genocide is derived from the 1948 Convention concerning genocide and includes certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, in peace time and in war time. Crimes against humanity, derived from the Charter of the Nuremberg Tribunal, include acts similar to those under genocide, but do not require intent to destroy a particular group and only include acts committed in armed conflict against a civilian population. It does not matter whether the armed conflict is civil/internal or international in character.

2.5 Judges

The trials of the indicates, any appeals, and any other hearings relevant to the proceedings are to be conducted by eleven independent judges, of whom no two may be nationals of the same state, sitting in the courts, called judicial "Chambers" by the Statute. The chambers consist of two Trial Chambers with three judges in each and the Appeals Chamber with five judges. The judges should have the highest qualifications of their profession, sufficient to qualify them for the highest judicial offices in their respective countries. Consideration should be given to experience in criminal law and international law, including human rights and international humanitarian law. The Secretary-General invites nominations from member states and from non-members maintaining permanent observer missions at United Nations Headquarters. Within 60 days, each state submits the names of up to two nominees, not from the same state. The Security Council then selects 28 to 40 candidates to submit to the General Assembly, which then elects 14 judges from the list. The judges serve for a term of 4 years under the same terms and conditions as those for judges of the International Court of Justice and may be re-elected.³⁴

The judges elect a President and a Vice-President of the Tribunal for a term of 2 years; they may be re-elected once. The President shall be a member of the Appeals Chamber and preside over the appellate proceedings. He shall assign judges; each would serve in only one chamber. The Vice-President may sit as a member of the Appeals Chamber or of a Trial Chamber. Each Trial Chamber panel elects a presiding judge who conducts all the proceedings of that Trial Chamber as a whole. The judges shall rotate on a regular basis among the chambers. Within the judicial organ of the Tribunal, aside from the Chambers, there is an internal body called the Bureau which is composed of the President, Vice-President, and Presiding Judges of the Trial Chambers, and which consults on major issues of the functioning of the Tribunal. The President shall assign for each month one judge from each Trial Chamber as the judges to whom indictments are transmitted for review prior to confirmation and the issuance of any necessary

³⁴ http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf

warrants and orders. The President of the Tribunal is Carmel A. Agius from Malta and the vice-president is Liu Daqun from China.. The other judges are from Netherlands, USA, Italy, South Africa, Germany and the Bahamas.³⁵

³⁵ <http://www.icty.org/en/about/chambers/judges>

CHAPTER FIVE

The Congolese crisis 1960-1965

5.1 Reasons for the crisis

The Congolese crisis is a mixture of anti-colonial struggle, secessionist struggle, a UN operation, and a hidden clash of Cold War actors. The reasons that have determined this crisis can be divided into four areas.

Firstly: the extraordinarily important geo-strategic position of the Congo, which implies the size of the country (80 times bigger than Belgium), its location (located in the heart of Africa) and the huge economic potential (huge reserves of cobalt, industrial diamonds, copper, tin, especially in the Katanga area) This position of the Congo was of paramount importance to the Cold War actors.

Secondly: we will mention the harsh internal relations, both politically, military, economic, and if you want it on a demographic level as well. This country is a conglomerate of more than 200 tribes, in which before the proclamation of independence in 1960 lived about 117,000 Belgians, under whose authority was the Congo.

Thirdly: the indecision and the speedy granting of independence to the Congo by the Belgian authorities.³⁶ And fourthly: the vast interference and influence of the United States, the USSR, and other countries (Britain, France, China, and Cuba).³⁷

5.2 The beginning and the course of the crisis in chronological order

In the 1950s, the influx of anti-colonial struggle across the African continent also affected Congo whose politicians more strongly emphasized the desire for independence from Belgium, fueled by:

- 1) The strong emphasis on decolonization by African-Asian leaders
- 2) Their participation in The World Trade Fair in Brussels, 1958,
- 3) De Gaulle's speech in Brazzaville (French Congo),

³⁶ Pakenham, Thomas (1992). *The Scramble for Africa: the White Man's Conquest of the Dark Continent from 1876 to 1912*

³⁷ Borstelmann, Thomas (1993). *Apartheid, Colonialism, and the Cold War: the United States and Southern Africa, 1945–1952*.

4) 50 killed in Congolese protests in Leopoldville (Kinshasa) in 1959, which increased the Congolese nationalism that was at that time³⁸.

The leader of the anti-colonial struggle was Patrice Lumumba, later the first Prime Minister of the Congo. He highlighted the views of the 126 Congolese politicians attending the Round Table in Brussels in 1960, which, in general surprise, Belgian Prime Minister Gaston Eikens decided to grant Congo's independence on June 30th that year.

The reasons for the sudden assignment of independence to the Congo include: 1) Brussels's subjugation to internal and external pressure and reacted in panic, 2) the conviction that even after independence, Brussels will remain present in the same measure in the Congo because of the Congolese's dependence on the Belgian administration, army, personnel, 3) the absence of a "colonialist mentality" among the Belgians, and 4) the desperate attempt of Belgium to avoid a "new Algeria".

But as I mentioned above, the precarious withdrawal of Belgian authorities and the giving up of power to domestic politicians who were almost without any political experience is considered one of the main causes of the crisis and the four-year UN intervention. This led to the liberation of the incredible forces of tribal antagonism, regional division and political rivalry. In other words, "total colonialism was replaced by total independence overnight," or "the most revolutionary decolonization in Africa was replaced by the most radical Africanization."

For a better understanding of the conflict, the chronology of the events from 30 June to 15 July 1960 follows, a period particularly "hot", which contains the main events that subsequently determined the course of the crisis.

Chronology of events in the period from June 30 to July 15, 1960

June 30 - Congo gets independence

July 4 - Rebellion in the National Forces, Lumumba calls for the hasty promotion of Congolese soldiers

July 6 - Lumumba promotes all soldiers in one rank and refuses to allow Belgian intervention to calm disorder

July 8 - the events are expanding in Katanga

- Mobutu has been appointed Chief of General Staff of ANC (National Congolese Army)

July 10 - Belgian troops without the consent of Lumumba intervened across the Congo in rescue actions of European citizens

- Lumumba seeks help from the UN

³⁸ Zeilig, Leo (2008). *Lumumba: Africa's Lost Leader*. London: Haus.

July 11 - A collision between Belgians and Congolese troops in Matadi

- Chombe declares Katanga's independence

July 12 - President Kasavubu and Lumumba are turning to UN for help against Belgian "aggression"

- Deputy Prime Minister Gizenga and Foreign Minister Bomboko are seeking US assistance

-Brishel seeks help from the United Nations to restore order to the Congo

July 14 - Lumumba terminates diplomatic relations with Brussels and at the same time sends a telegram to Khrushchev in which he reports that the Congo is occupied by Belgian troops and demands that the USSR keep an eye on the situation, which is interpreted as an implied request for assistance from the USSR, to which Khrushchev responds that Moscow will give any help for the realization of the "righteous cause" of the Congo.

- The Security Council has adopted resolution 143 calling for the withdrawal of Belgian troops from the Congo and the establishment of peacekeeping forces (UNF)

-Chombe opposes such a resolution and declares that it will not allow entry of UN troops in Katanga.

July 15 - UN's first troops composed of troops from Ghana and Tunisia arrive in Congo

The rebellion in the army on July 4th was an initial capsule of what was to follow later. Lumumba's later decision to dismiss all Belgian officers and promote all equal soldiers in rank was regarded as a catastrophic move that led to the creation of gangs that pierced their anger towards the long-standing ruler, the Belgians. Normally it led to the takeover of actions by the Belgians, which culminated on July 11 in the port of Matadi, and which directly contributed to Katanga's separation under Chombe's leadership. This is actually the main events of this period that have drawn the UN's participation in the crisis.

On the arrival of UN troops in Congo, Prime Minister Lumumba requested UN Secretary-General Doug Hammerhead to be used to try to return Katanga under the territorial sovereignty of Congo. Hammerschild rejected this, pointing out that the UN mission has no competence to interfere with the Congolese's internal affairs, pursuant to Article 2 of the UN Charter.

Lumumba, dissatisfied with this, has actualized his request for help from the Soviet authorities. Councils are sending military aid to attack the province of South Kasai, which under the leadership of Calonji declares independence in July. This seriously worries the United States and Brussels, who will further favor President Kasavubu and Mobutu, counting Lumumba as a communist. So in September 1960, after only two months in power, Lumumba would be taken down by President Kasavubu, and in his place, Ileo was installed. But Lumumba responds in such a way that he, with an act of the Parliament in which he has support, recalls President Kasavubu. Congo falls into a deep constituent crisis, causing massive unrest. At the same time they both demand from Mobutu, at that time Chief of the ANC GS, to arrest the other.

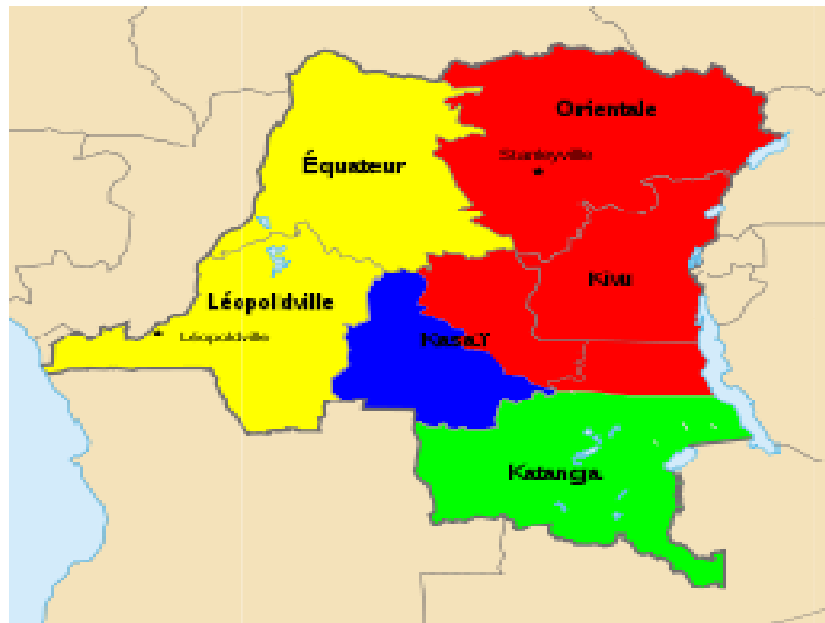
Because of the support of Kasavubu from the West, Mobutu has arrested Lumumba and puts him in house arrest, where Lumumba later tries to flee to the Stanivillas (Kisangani) seat of his political like-minded people, but is captured by Mobutu forces, after which he was taken to Jezizabethil (now Lumumbashi) where on January 17, 1961, he was killed under suspicious circumstances by Chombe forces, and in the presence of Belgian officers. In the years to come, there was speculation that the murder of Lumumba was a work by the CIA and the Belgian authorities.

Meanwhile, the former deputy prime minister in the Lumumba government, Gazenga, rejects the power of Illeo as illegitimate and forms a parallel power in Stanville, supported by African-Asian countries and the USSR, which will last until January 1962.

So in this period there are four different authorities in the Congo territory:

- 1) The National Government based in Leopoldville,
- 2) The Parallel (rival) government based in Stanville;
- 3) Independent Katanga;
- 4) South Kasai (autonomous district).

/ see map attached /



Soon Illeo will be replaced by the post, and after long negotiations, Adula will be in his place who will be prime minister by mid-1964. However, real power will be in the hands of Mobutu, who will concentrate

it in the hands of the army he heads.

In the period 1961-1964, the crisis would be redirected to Katanga, Kasai and other secessionist movements in the Congo. Thus, probably inspired by the death of Lumumba, with the UN resolution the UN forces will be enabled to use force. This will be interpreted as the competence of Katanga's forces to join the Congo, something advocated by Lumumba. After several operations, in January 1963, the UNF established control of Elizabethville, making Katanga again returning to Congo.

In 1964, the supporters of Lumumba and Gizenga who call themselves "Simba" in Stenvilil are activated, and with the help of China and the USSR, they rebel against the central government. Ironically, in this period Prime Minister of Congo is Chombe, who is in charge of restoring the sovereignty of the country, which previously was the leader of the secessionist movement in Katanga. This rebellion is overwhelmed by the direct action of the United States and Belgium.

The official Congolese crisis ends on November 25 when Mobutu, with the help of the United States, overthrows President Casavou and Prime Minister Chombe, suspending the Constitution, dissolving Parliament, and grabbing the full power in Congo, which it controls until 1996. This period of the Congo is marked as a period of dictatorship and huge corruption.

5.3 The UN Mission in the Congo

On July 10 1960 the day before the Matadi incident, Patrice Lumumba and Kasavoubu, on the advice of the US ambassador to the Congo, Timberlake, they urgently requested technical support from the United Nations to overcome internal instability. The message was conveyed to Harmarhead who called for a meeting of African-Asian countries on a possible "technical assistance to the Security Plan" in the Congo. Two days later, on July 12, Patrice Lumumba and Kasavubu sent a written telegram to the UN asking for help to protect against Belgian aggression and "colonial machinations" that were described as a threat to international peace and security. It is obvious that the difference between the written and the oral request is due to the events that occurred the previous day in Matadi. The Security Council's swashbuckling resolution on the Congolese resolution broke up precisely on the question of whether the mission would be sent to establish the wounded internal order that Western countries insisted, or to deter the Belgian occupier, which the USSR and the African-Asian countries insisted. During this period, Secretary General Hammerschild, a man known for his struggle for the independence of the colonies, who played a major role in protecting the newly emerging Cold War countries and the man he wanted to play, played a major role in sending UN troops to the Congo emphasized and achieved the goal of the United

Nations as a peacekeeping organization. On July 14 1960 a resolution proposed by Tunisia, but a de facto plan by Hammerskjöld, was adopted, requiring the immediate withdrawal of Belgian troops and the establishment of the UN troops in accordance with the Congolese authorities, which and remained there until the national security forces were able to carry out their defense tasks on their own. In this way, a compromise between the demands of the West and the East over the content of the United Nations Security Council Resolution 143 was made.

The main goals of UNF were:

- 1) Maintenance of law and order;
- 2) Prevention of tribal and civil conflicts;
- 3) Maintaining the territorial integrity of the Congo;
- 4) Prevention from external interventions;
- 5) Transformation of the ANC into a capable army to maintain order and peace.

Although generally UN forces have successfully completed their task (?!), they were accused of co-operating with Western countries, which was backed up by several of the actions taken by the mission, which were contrary to the rules on which it should have acted. Here, we first mentioned the measures taken by the Hammerhead Special Representative in Congo, American Cordier, who at the time of the constitutional crisis (on the relation of Kasavuubu-Lumumba), supported by growing violence, decided to close all the Congo airports, as well as Radio Leopoldville. This was interpreted as a measure that puts a dam on the Soviet aid that was previously sought by Lumumba and as giving advantage to Kasavabu, bearing in mind Lumumba's oratorical capabilities, which was answered that objectively the security situation required that. Also, the UNF was measured that they did not do enough to prevent the death of Lumumba.

But what clearly emerges from this crisis is the fact that because of their complexity, UN forces can be effective only in the early phase of the conflict or after the agreement reached between the warring parties, and not in times of serious disturbances of peace. This means that the function of peace making is almost impossible in such a constellation of relations, and only the function of peace keeping that would occur after the concluded agreement or in the early phase of the conflict could have resulted in effective results.

The Congo mission was not only the type of peace-making and peace-keeping mission, but it also had an attribute on a nation-building mission, which from the start made it impossible.

5.4 US and USSR policies in the Congolese crisis

The Congolese crisis was a place for perfidious conflicts of interests of the participating countries in the Cold War.

The United States acted extremely cautiously in accordance with its interests. Thus, Eisenhower responded negatively to the request made on July 12, 1960 (the beginning of the crisis) by Deputy Prime Minister Gizenga and Foreign Minister Bomboko for US aid, after which he sent them to the UN. This is because the United States considered it best to realize its interests through the United Nations because, on the one hand, the United States estimated the price it was supposed to pay with a possible independent action in the Congo, but also feared the possible departure of the international public from so-called. "Neocolonialism" that could have been blamed, and on the other hand, there was great concern about the Soviet presence in the Congo, which was seen as the spread of communism across the African continent, so simply the United States could not afford its absence in these areas. During the crisis, the United States actively supported pro-Western forces in the Congo, specifically Kasavubu and Mobutu, and tried to eliminate the pro-Soviet ones, as Lumumba was considered. It can be said that in the end the United States succeeded in defending the Congo from the onslaught of communism, and managed to place Mobutu as the first man of the Congo.(Mobutu was regarded as a zealous opponent of communism). As an indicator of US activity in Congo, the fact that in the overall UN action, which cost \$ 400,1 million³⁹, the United States accounted for 170.7 million, or 41.5%.

On the other hand, the USSR tried to use the Congo as its base for the spread of communism throughout the African continent. The SSSR accepted a UN mission because it believed that such a mission would prevent direct US aid, but also because it thought its kind presence will enable the lucid realization of their ideas. The USSR later responded positively to Lumumba's requests for military assistance to dissuade secessionist movements in the Katanga and Kasai areas, but the measures taken by the UN mission did not allow the USSR to fully support Lumumba's supporters. Although in the later period, after the killing of Lumumba and even with the Chinese, the Soviets were assisted by leftist groups, mainly stationed in Stanville, their influence diminishing, after the power of Mobutu's power came to a standstill. How and why did the countries in the Security Council vote?

The United States voted in favor of this resolution because it was hoping that its best influence in Africa would be achieved through UN forces. Otherwise, the United States previously refused direct military assistance to the Congolese Republic because it assessed the political cost of an independent sacking and was afraid of the rumors of "newcolonialism" and the consequences that would have occurred later. On

³⁹ <https://peacekeeping.un.org/mission/past/onucF.html>

the other hand, the United States was concerned. They looked at the most frustrating way of protecting their interests in their presence and assistance through the UN.

On the other hand, USSR saw this crisis as an opportunity to spread its influence on the African continent, and at the same time to defend itself against US interests, so that the USSR accepted such a mission to protect itself from Britain voted restrained because it considered it possible to establish a precedent that would could have been used in its colonies. Britain had the most suspicions about the possible interference of troops in the internal affairs of the country, as well as the withdrawal of Belgian troops from the Congo that it interpreted as implied targeting from Belgium as an aggressor. For similar reasons, France was also a resident.

From here it can be concluded that the resolution was a product of a compromise between the opposite interests of the countries that did not regard it as a common position for the crisis, on the contrary, they looked at it as an instrument that controls the interests of the opposite side, in the least vicious way.

Around 15,000 people took part in the mission to say that during the four years they proclaimed 93,000 soldiers from 35 zones in the world. The entire operation cost \$ 400, 1 million, of which the United States accounted for 170.7 million or 41.5%.

Retrospective of the crisis

The inability of the UN to bear with the process of building a nation

An emergency intervention of the Belgians may have been needed to prevent further violence

Non-intervention of the United States for its own political calculations

The presence of forces was further considered to be the best possible evil, and the Congolese authorities were demanding the withdrawal of certain officials because of their relationship with the Government

Behavior of Afro-Asian leaders.

Rules of action of the UN forces have been established with two separate Security Council resolutions which say that:

1. The UN forces will require the host country's consent to their entry, but as long as the UN forces are authorized by the Security Council, the Congolese government has an obligation to co-operate with them;

2. UNF should cooperate with the domestic government, but must not become an instrument of the Government.

3. The UN, including the armed forces, must not be party, nor be implicated, or affect the outcome of any internal, constitutional or other conflicts.

Compliance with these rules was more seriously tested in two cases:

- Lumumba's request for assistance by the UN for the recapture of Katanga. This request was rejected by Hammerhead.
- in which Cordierre's Special Representative of Hammerschild took two drastic measures: he closed all airports in the Congo and closed the Radio Kinshasa temporarily)

The airports shut down to stop the Soviet assistance that Lumumba received, and the radio-trapped radio craze reduced the influence of Lumumba, who was a great orator, to give preference to Kasavabi.

The author argues that given the circumstances, one cannot make a move that would not be interfering in the internal affairs of the state.

Lumumba then sends a letter to the gene. Secretary that Congo needs help from a neutral force, and not from the United States that will say that there is obvious defiance in the Congolese government.

The immediate causes of the crisis

The reason:

- The lack of capacity among Congolese political leaders to lead the new state
- The absence of Belgian but other help for compensation of internal weakness

The occasion

- Bond of the Congolese soldiers in the National Forces on July 4 in Leopoldville

The main reasons that led to the crisis:

- 1) The small and isolated rebellion of July 4 that spread very quickly
- 2) The sudden resignation of all Belgian officers on July 8
- 3) The intervention of Belgian troops in Matadi on July 11
- 4) Katanga's declaration of independence on 11 July

With the decision of July 8, the National Forces were transformed into gangs in some way, which were the main source of disorder, i.e. an army without soldiers and assumed by the promotion of all soldiers in one rank.

Myanmar (Burma) Humanitarian crisis

5.5 History of Burma

Myanmar also known as Burma is somehow in common with the first human settlements 15 000 years ago.⁴⁰ Earliest stories about the history of Myanmar are around 11th century when King Anawrahta founds the first unified Burmese state at Pagan and adopts Theravada Buddhism.

In next centuries, the territory was led by Mongols and different dynasties. In the 19th century there were 2 Anglo – Burma Wars and after that they become province of British India. In early 20th century Britain made Burma her own crown colony. During II World War Burma was occupied by Japan and her army. After finishing the II World War, Britain helped Burma to its liberation. In 1948 Burma become independent country. Time by time in Burma was established federal system and inaugurates "the Burmese Way to Socialism" - nationalizing the economy, forming a single-party state with the Socialist Programme Party as the sole political party. In 1988 a thousand of people are killed in anti-government riots. The State Law and Order Restoration Council (Slorc) is formed. Next year Slorc declares martial law, arrests thousands of people, including advocates of democracy and human rights, renames Burma in 'Myanmar' with the capital (Rangoon) becoming Yangon. After the last results of the demographic in Myanmar is shown that there live around 51.000.000 people. The government has recognized 138 ethnic groups. Majority is called Bamar with 68 % of the population, than Shan 10 %, Karen 7 % Rakhine 3, 5 %. About the religion, almost 90 % of the people are having Buddhism, and with some smaller numbers are Christianity, Islam, Hinduism and other. Because this numbers a lot of Christians and Muslims are facing with religious persecution. Myanmar's humanitarian crisis is based on Muslim ethnic population called Roginya in the state of Rakhine (Western Myanmar).

6.6 Population of Rohinya

The Rohingya population in early history is related with the region of Arka, old country in Southeast Asia. As arrival of Islam from 9th to 14th century they become the maritime traders and with connection with Arabs they started to trade with India and China. In the 1911 census, Rohingya are included with the Indian population as an ethnic group of Indian origin. 10 years later, Census from 1921 categorized

⁴⁰ https://en.wikipedia.org/wiki/Rohingya_people

Rohingya as Arakanese.⁴¹ Now days they are recognized with the region of Rakhine (Western Myanmar), but in the latest history they are facing with this problem, to be recognized by the government like an ethnic group. In period of II World War and after the war two Arakanese Indians were elected to represent in the Burma assembly. After independence of Burma, those two members presented memorandum to the government for recognition the Arkan – Indians (Rohan and Rohang) as an ethnic group. From the 1970 years there was starting of a refugee crisis. Same happened in 2015 when this population started to migrate to Bangladesh. Up to August 2017 there were around 300 000 people migrated. Until now there is 300 000 more people who have been migrated to the neighborhood countries. This also affected as Myanmar government didn't recognize them as a people in 2014 census⁴². This is how is starting the one of the fastest refugee crisis. The Myanmar military says that they are targeting the Rogingya militant and denies the civilians. A lot of houses are burned with whole villages, and also big level of violence. They are persecuted, girls and woman's are taken from Myanmar military, used their bodies for raping and trafficking. After this refugee crisis most of them are in refugee camps on the board between Myanmar and Bangladesh.



Aljazeera.com. (2017). Rohingya crisis explained in maps. [Online]

⁴¹ Myint-U 2006: 185–187

⁴² <https://www.reuters.com/article/us-asia-migrants-myanmar-census/myanmar-publishes-census-but-rohingya-minority-not-recognized-idUSKBN00E1S420150529>

5.7 Rohingya crisis in Myanmar

Like I said Before the Rohingya crisis is a human rights crisis with serious humanitarian consequences. In Myanmar, the Rohingya have very limited access to basic services. Under the article 6.1 of this Chapter I mentioned that Britain liberated Burma from Japanese occupation with help of Burmese nationalist led by Aung San and Rohingya fighters, who feel betrayed as the British don't fulfil their promise of autonomy for Arakan. In 1950's tensions exist when many Rohingya people wanted Arkan to join Muslim-majority Pakistan. This situation made anger in the Government of Burma, led by armed group named Mujahid and retaliated by removing Rohingya civil servants. As a result of Rangoon's preoccupation with insurgent groups in lower and central Burma, the Mujahid revolt grew rapidly. At one stage, most of Arakan was in the hands of this and other rebel groups. Some Rohingya resist the government, and the insurgencies gradually collapsed. After the victory in the elections, U' Nu's party promoted Buddhism as the state religion and tolerance of separatism angers the military. Some years later U Nu's faction is ousted in the military coup led by General Ne Win, who abolishes federal system and inaugurates "the Burmese Way to Socialism" – nationalizing the economy, forming a single-party state and taking a hard line against the Rohingya. Next year the Rohingya Independence Force (RIF) is created to protest against Ne Win's military coup and the banning of Muslim organizations like the Rohingya Students' Union and the Rohingya Youth League and one year later, The Rohingya Patriotic Front (RPF) is created, later version of the RIF. Opposition National Democratic Front is formed by regionally-based minority groups, who mount guerrilla insurgencies. About 15,000 Rohingya flee into Bangladesh to escape persecution. In 1977, more than 200,000 Rohingya flee to Bangladesh, amid allegations of army abuses. The army denies any wrongdoing. A massive military operation forces another 200,000 Rohingya to flee into Bangladesh. This operation includes the forced relocation of Muslim villagers and is accompanied by widespread looting, rape, arson and the desecration of mosques. Bangladesh strikes an UN-brokered deal with Burma for the repatriation of refugees, under which most Rohingya return. Many are later resettled in Arakan State, but similar operations are staged in 1989, 1991-92 and again in 2002.

Sectarian violence in June 2012 is sparked by the rape and murder on of a 28-year-old Arakanese woman by three Muslim men in Ramri Township. On June 3, a large group of Arakanese villagers in Toungop town, southeast of Ramri, stopped a bus and killed ten Muslims on board. This was beginning of violence eruption between ethnic Arakanese Buddhists and Rohingya Muslims in Arakan State, and

President Thein Sein declared a state of emergency after the death of 88 people and displacement of 90,000.

In 2015 Rohingya population started to migrate to Bangladesh. Up to August 2017 there were around 300 000 people migrated. From that date until now there is 300 000 more people who have been migrated to the neighborhood countries. This also affected as Myanmar government didn't recognize them as a people in 2014 census. This is one of the fastest refugee crises. The Myanmar military says that they are targeting the Rohingya militant and denies the civilians. A lot of houses are burned with whole villages, and also big level of violence.⁴³ They are persecuted, girls and woman's are taken from Myanmar military, used their bodies for raping and trafficking. After this refugee crisis most of them are in refugee camps on the board between Myanmar and Bangladesh. There is UNHCR and from their reports, those people are living in hosting communities and make their own shelters and settlements. At this moment there is big braking of internationals law of human rights living thousands people , kids , without basic needs, like aid, clean water for drinking , food . On this humanitarian crisis, UN has started talks with the Myanmar leader about this problem. What is happening in Myanmar is mostly an ethnic cleaning. Also it can be called as genocide. So after finishing the Second World War, genocide is related like a crime. From the latest news from the UN, they are scared that maybe those people who live in the Bangladesh's refugee camps maybe start there they own army's and organize attacks on the Myanmar military. For my opinion I don't think that here is Rohingyas fold because from all this history and situation is more than easy to see that most of the people living there are Buddhist and everything Rohingyas are making is for keeping their own human rights. From this humanitarian crisis I saw a lot of braking law and articles from the Convention on the Rights of the Child like⁴⁴:

Article 2 (Non-discrimination); Article 6 (Survival and development); Articles 11 (Kidnapping); Article 14 (Freedom of thought, conscience and religion); Article 19 (protection of all forms violence); 38 (war and armed conflicts); 30 (children of minorities); Article 22 (refugee children); 24 (health and health services)

Also in Myanmar and UN – based Bodies and Treaty Bodies are arrived a lot of reports from the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the human rights violations and abuse and whole situation with human rights. UN Treaty Bodies most recent concluding observations are committee on the Elimination of Discrimination against Woman and committee on the Rights of the Child.

⁴³ <https://www.bbc.com/news/world-asia-41566561>

⁴⁴ <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Rohingya people are still unsecure in Myanmar; most of them who left the country are in shelter camps in Bangladesh and India. Bangladesh and Myanmar agreed on Tuesday to start returning Rohingya refugees in November, less than a week after UN investigators warned that genocide against the Muslim minority was still ongoing. Many fear returning to Myanmar without guaranteed rights such as citizenship, access to healthcare and freedom of movement - rights that were denied to them long before last year's crackdown.

The UN says the return of the Rohingya must be voluntary, and conducted in dignity and security.

5.8 United Nations mission in Myanmar

United Nations Security Council (UNSC)

Following the aggravation of the crisis in the Rakhine state, the escalation of violence from both sides, especially from the side of the Myanmar security forces, as well as the influx of refugees fleeing from the aforementioned region towards Bangladesh and other neighboring countries, the UNSC has included the situation in Myanmar in its Agenda for the first time after 8 consecutive years. Besides, until 2009, when the UNSC last met on Myanmar, the main issue under discussion was the political instability in the country and the treatment against political prisoners, as reflected by Press Statements published at the time⁴⁵

The issue of atrocities against ethnic minorities, it was introduced during an UNSC meeting in 2007. However, a draft resolution mainly supported by the UK and the USA was vetoed by the Russian Federation and China⁴⁶, as well as the Presidential Statement issued afterwards contained no reference to the reported attacks against Rohingyas and other minority groups in the Rakhine state. On the contrary, following its first meeting on Myanmar after 8 years on the 28th of September 2017, the UNSC has discussed three consecutive times (on 28/9, 6/11 and 12/12) after the outburst of the crisis, alarmed by the recent events in the Rakhine state.

The first meeting of the UNSC on the 28th of September 2017, after the serious escalation of the

⁴⁵ Security Council Report, UN Documents for Myanmar, [Accessed 20 February 2018], Available from: <http://www.securitycouncilreport.org/un-documents/myanmar/>

⁴⁶ United Nations Security Council, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution (vetoed), 12 January 2007. [Online]. 2007, S/2007/14

Rohingya crisis was characterized by a comprehensive briefing and the participation of the UN Secretary Antonio Guterres. Furthermore, all main international actors clarified their opinions regarding the situation in Myanmar.

First of all, the UN chief officer shared his concerns about the violence in the Rakhine state. Specifically, he condemned the attacks delivered by ARSA against the Myanmar security forces, whilst he instigated Myanmar's duty to end the military operations involving excessive use of force, to allow the access of humanitarian assistance to those in need as well as to ensure the return of the refugee and other displaced persons with due respect to be paid towards their safety, will and dignity. Additionally, he characterized the fact that the Muslim of the Rakhine state is not entitled to acquire citizenship as problematic.⁴⁷

On this meeting there were two different views on the situation. On one hand many of the member states condemned the Myanmar force for stopping the humanitarian assistance to the population in Rakhine state and blamed for ethnical cleansing and genocide. On other hand, other member states supported the way Myanmar government handled the situation with the stabilization against the actions of the fighters of Muslim militia groups in Rakhine. Myanmar and Bangladesh participated in the meeting as observers and they submitted their views on the topic discussed.

Because the crisis was still ongoing the SC had another meeting for the crisis in Myanmar. UNSC condemned the attacks from the ARSA to the Myanmar security force and the situation of diffused violence within the Rakhine state. Therefore was no specific condemnation against Myanmar's authorities, SC has expressed their concerns on the violations of human rights and international humanitarian law by the national security forces of Myanmar. In addition, it reiterates the responsibility of Myanmar to guarantee that its forces will avoid excessive military force, as well as they will fulfill obligations under international human rights and international humanitarian law. The high number of refugees and internally displaced persons, fleeing from the Rakhine state, is also addressed with the Presidential Statement on 6th November 2017⁴⁸, whilst Myanmar is called to cooperate with international organizations and NGOs in order to tackle with the large scale humanitarian crisis in Rakhine state. Myanmar and Bangladesh expressed again their views before the UNSC.

During the third consecutive meeting of the UNSC on 12th December for the situation in Myanmar, the Council was briefed by the UN Under-Secretary General Mr. Jeffrey Feltman and the Special Rapporteur of the UN Secretary General on Sexual Violence in Conflict, Ms. Pramila Patten. Once again, it did not manage to reach a specific outcome, but the participating member states reassessed the

⁴⁷ United Nations, Myanmar - Remarks by UN Secretary General at the Security Council. 2017. [Accessed 28 December 2017].

⁴⁸ <https://www.un.org/press/en/2017/sc13055.doc.htm>

measures taken to address the crisis and reiterated the basic directions of their stance. On behalf of the United Nations, the Under-Secretary General expressed his concerns regarding the excessive numbers of refugees fleeing Rakhine state and moving to Bangladesh. Besides, the Special Rapporteur revealed its findings concerning rapes, sexual assaults and other acts of sexual violence against Rohingya women, committed by men of the Myanmar security forces, evoking thus that breaches of international humanitarian law are taking place.

In 2014, UNHCR continued to lead the shelter, non-food items (NFI) and camp coordination camp management (CCCM) clusters, as well as the protection sector, as part of the inter-agency response for internally displaced people (IDPs) in Rakhine, Kachin and northern Shan States. UNHCR also continued to advocate for the prevention and reduction of statelessness in Myanmar⁴⁹. This year UNHCR had 13 partner organization during the mission and the main organization UNICEF.

UNHCR had budget of 68 million USD and expended 22 million USD, Fund available from individual countries, EU and private donors.

2015 was busy year for UNHCR in Myanmar after the country witnessed a number of important political events, including the signing of a national ceasefire agreement in October and the general election in November, in which the National League for Democracy won a majority. In June Myanmar was hit by cyclone and this nature disaster brings some problems to the shelters. This year UNHCR had record budget of 73 million USD and expended 17 million USD⁵⁰.

In 2016 Total estimated population of concern for UNHCR was 1.3 million, including 926,000 Stateless people and 375,000 internally displaced people (IDPs). UNHCR continued to address the most pressing humanitarian needs, to monitor the protection environment and to engage in strategic advocacy to mobilize actors to place protection and solutions at the center of their action. The budgeted was 56 million USD and expended 17 million USD

2017 was marked by limited progress of the peace process, an escalation of conflict in Kachin and Shan States and an unprecedented crisis in Rakhine State. The situation in Rakhine State deteriorated dramatically on 25 August 2017, the day after the release of the Rakhine Advisory Commission (RAC) recommendations, when militants launched coordinated attacks on Myanmar security posts in the northern part of the State. The outbreak of violence in the Maungdaw area resulted in over 655,000 people fleeing across the border into Bangladesh; many more have also been displaced within Rakhine State.

⁴⁹ <https://www.unhcr.org/publications/fundraising/528a0a32b/unhcr-global-appeal-2014-2015-myanmar.html>

⁵⁰ <http://reporting.unhcr.org/financial#tabs-financial-budget>

The Governments of Bangladesh and Myanmar bilaterally agreed to an Arrangement On Return Of Displaced Persons from Rakhine State on 23 November 2017, making reference to international standards, notably safe, dignified, and voluntary return. For the year 2017 budgeted was 49 million USD and expended 18 million USD.

The situation in Northern Rakhine State deteriorated dramatically in late 2017 and triggered the largest and swiftest refugee exodus witnessed in the region in recent decades. Over 600,000 people, largely stateless Muslims from the northern part of Rakhine State, have fled into neighboring Bangladesh to escape the ensuing violence. UNHCR stands ready to resume its full-scale operation and provide essential life-saving assistance and services to the populations affected by the current crisis as soon as access situation improves.

In 2018, UNHCR will continue to advocate increased regional support to help the Government of Myanmar address the root causes of displacement by providing temporary protection for refugees and sharing good practices on peaceful coexistence. For this year the budgeted is 46 million USD⁵¹.

According to the UN fact-finding mission on their report, called for Myanmar military leaders to be prosecuted for genocide. From the other hand Myanmar says that they don't want the terrorist back, since they made an agreement with Bangladesh for returning the refugees back. Many of the member states don't like what's happening in Myanmar and they have meetings and discussions. Canada already strips the honorary citizenship of the Myanmar leader, and the interesting fact is that she already in the past have been awarded with the Nobel Peace Prize. Also other countries individually are criticizing Myanmar government for the crisis with the Rohingias in the Rakhine State. The top UN investigator reported that the genocide is still ongoing. Marzuki Darusman, chair of the UN fact-finding mission on Myanmar, said that he would urge the council to take action to hold those who had carried out atrocities against the Rohingya accountable, either by referring Myanmar to the International Criminal Court or by setting up an International Tribunal⁵².

In Myanmar there is no peacekeeping force operation and there are no any troops. Myanmar must stop "ethnic cleansing" in Rakhine state, and "safe zones" should be created inside that country to protect all civilians, under the supervision of the United Nations. "Safe zones" should be created inside Myanmar to

⁵¹2018 Current budgeted as adjusted by High Commissioner as of October 2018; pending presentation to ExCom's Standing Committee

All other years are considered final for budgeted and expenditure data.

⁵² <https://www.theguardian.com/world/2018/oct/24/rohingya-genocide-is-still-going-on-says-top-un-investigator>

protect all civilians irrespective of religion and ethnicity under UN supervision and all forcibly displaced Rohingyas in Bangladesh return to their homes in Myanmar in a sustainable manner. There should also be included the UN peacekeeping forces and operations and their importance of effectiveness and credibility to maintain the peace in the Country and the region and zero-tolerance to any discrimination based on race, religion, violence, sexual exploitation and abuse.

CONCLUSION

United Nations peacekeeping operations have a lot of goods that come out of them. As they were authorized by the Security Council with tasks to maintain the peace, to protect the civilians, promote human rights they are giving positive outcomes. They have done lot of operations in conflicts areas around the world which without their help there would still be no peace. We can imagine world without the existence of the UN and the peacekeeping operations. They have done really great work during the Cold War, in other words they saved civilians of other World War. Positive aspect of the Peacekeeping Force is the success of the missions. That means stopping the violence, protect the civilians in the conflict, the sexual abuse, etc. This year 40 % of the budget of the United Nations is for the Peacekeepers which mean how important they are for the International Community. For the 70 years of existence they have been operated in 70 missions.

There are also failures of the UN peacekeeping operations like the fall of Srebrenica and without the help of NATO, UNPROFOR will difficulty maintain the peace in Former Yugoslavia. Very important for the UN was establishing the International Criminal Tribunal for Former Yugoslavia where everyone who committed crime was put on criminal proceeding and become responsible for the crimes they have done. Other success or failure was under question during the Congolese crisis. Also UN was not doing too much to stop the Genocide in Rwanda where millions of people lost their lives and later was abused for leaving Rwanda for their own. Very important mission for the UN is in Sierra Leone where they implement the peace agreement after the civil war and, blue helmets” disarmed more than 75,000 ex-fighters including hundreds of child soldiers. Other successful missions have been in Burundi, Somalia and many more. UN as main organization with activities for the world peace and security and their main bodies are implementing good work in Myanmar, Rakhine State with the humanitarian crisis with the population of Rohingya. There UN under the activities of the Security Council had resolutions on stopping the ethnical cleaning and under the authorities of UNHCR builds agreement of sending beck the refugees who left their homes and fleet in the neighborhood countries.

Nowadays there are more than one million peacekeepers in the peacekeeping operations and administrations. Currently there are 14 operations around the world. More than 3 500 peacekeepers give their lives for maintaining the peace and the liberty of civilians including protecting human rights.

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