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Session IV: Peacekeeping and Peace-building

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There are two major challenges facing contemporary peacekeeping and peacebuilding. The first is of a normative, and perhaps, paradigmatic nature. The second relates to the peacekeeping system.¹ These two challenges give rise to a current crisis of confidence in peacekeeping and peacebuilding.

The Normative Challenge

Recent problems afflicting peace operations in Afghanistan, the DRC, Georgia and Sudan raise hard questions about the legitimacy of the operations themselves and of peacekeeping itself, as currently practised. Academics argue that the problem lies with the contemporary paradigm of peacekeeping as a political endeavour often prescribing the direction of transformation of the host country in line with a ‘liberal peace’ agenda.² They suggest that the fundamentals and objectives of peace operations ought to be revisited or reassessed. This is not to say that the entire peacekeeping paradigm needs to be discarded. However there are strong calls to address some of the main issues relating to the legitimacy of peace operations to set contemporary peacekeeping back on the generally positive trajectory of the past few years.

The legitimacy of a peace operation can be defined as three interlinked and mutually reinforcing elements: political consensus, legality and moral authority.³ If one of these aspects of legitimacy is undermined, it can directly affect the other aspects, constrain the efficacy and success and even threaten the overall legitimacy of the operation. Political consensus refers to agreement—or at least acquiescence—among the international community and the host government that a peace operation is required and appropriate. Political consensus and legality are widely seen as determining the legitimacy of a peace operation’s mandate. For instance, the protracted standing up of the European Union civilian mission, EULEX Kosovo, highlights the fact that the legal basis of an operation is the bedrock of its legitimacy to deploy, to operate and to withdraw.

¹ E.g. Gowan, R., ‘Strategic context: Peacekeeping in crisis’, International Peacekeeping, vol. 15, no. 4 (Aug. 2008), pp. 453–469. The ‘system’ in this case is the ‘operational, managerial and political mechanisms required to maintain UN missions in the field’ and the ‘paradigm’ is the ‘set of assumptions and concepts that have informed UN practice in the field over the last decade’.
² The ‘liberal peace’ agenda focuses on establishing liberal democracy and a free market economic system. Typical peace operation tasks in this context include consolidating democratic institutions, strengthening state apparatus, promoting ‘good governance’, and economic and social rehabilitation. For more on this debate see Richmond, O. P., The Transformation of Peace (Palgrave Macmillan: Basingstoke, 2005).
A sound legal basis however may not be enough. ISAF, with its unquestioned legal basis (in the form of a UN Security Resolution), has nevertheless had its legitimacy widely questioned, primarily owing to ISAF’s increasing involvement in counter-insurgency and the way in which ISAF has executed counter-insurgency. This has greatly reduced local support for ISAF—and with it perceptions of the operation’s legitimacy, both locally and internationally.\footnote{Filkins, D., ‘Afghan civilian deaths rose 40 percent in 2008’, \textit{New York Times}, 17 Feb. 2009. For an analysis of recent developments in Afghanistan see chapter 4 in this volume.}

Growing criticisms of ISAF raise an important question: how far can the overall legitimacy of an operation’s mandate be undermined by one element of its execution? ISAF thus also demonstrates that the appropriateness of an operation’s mandate and, in turn, its legitimacy are intrinsically linked to the prevailing norms of what constitutes a peace operation and the functions it should undertake.

The third element of legitimacy has to do with the moral authority of a peace operation and is determined largely by the behaviour of its personnel: how far they adhere to international norms and standards and particularly those that the operation is meant to be diffusing. Peace operations and their personnel ‘are setting the tone for the nation that is to emerge from the peacekeeping effort’.\footnote{Kenneth Roth, Executive director of Human Rights Watch, quoted in Crossette, B. ‘When peacekeepers turn into troublemakers’, \textit{New York Times}, 7 Jan 1996.}

Thus they should abide by and try to embody the international norms and standards that they seek to diffuse, such as upholding and respecting human rights, while also respecting local customs. The perception that a culture of impunity and unaccountability persists in a peace operation can seriously undermine its local legitimacy, particularly when the operation seeks to promote the rule of law. If the means used to achieve the aims of a peace operation mandate are not entirely consistent with those aims, and with the relevant international norms and standards, it is unlikely that the aims will be fulfilled in any sustainable way.

The UN’s Capstone Doctrine and the DPKO-DFS recently issued non-paper, \textit{A new Partnership Agenda: Charting a New Horizon for UN Peacekeeping} highlighted that the legitimacy of an operation, in particular, local perceptions of legitimacy, is a key factor determining the operation’s success:

The experiences of the past 15 years have shown that in order to succeed, United Nations peacekeeping operations must also be perceived as legitimate and credible, particularly in the eyes of the local population. . . . The firmness and fairness with [and operation] exercises its mandate, the circumspection with which it uses force, the discipline it imposes upon its personnel, the respect it shows to local customs, institutions and laws, and the decency with which it treats the local people all have a direct effect upon perceptions of its legitimacy. [These perceptions are] directly related to the quality and conduct of its military, police and civilian personnel.\footnote{United Nations, United Nations Peacekeeping Operations: Principles and Guidelines, 2008, <http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf>, p. 36.}
Local legitimacy of an operation is extremely fluid: it may be built, lost and rebuilt during the lifecycle of a mission. As the passage above makes clear, many factors can influence local legitimacy. Fairness, or impartiality, must therefore be reflected not just in the mandate and in mission planning but also in the actions of peacekeepers. Misconduct by individual peacekeepers can put an entire operation at risk, severely hampering its ability to effect positive change in the host country. With demand for peacekeepers currently outstripping supply, incidents of misconduct put the UN and other organizations mounting peace operations in the difficult position of having to balance the imperative to uphold norms and standards against the need to bring operations to their full strength. To date, governments and international organizations seem to have prioritized force generation over the quality and record of peacekeepers.

The Systemic Challenge

Compounding the legitimacy challenge, is the ‘systemic’ challenge. The international peacekeeping community continues to face severe shortfalls in personnel and equipment, and some operations are plagued by a lack of predictable financing. A particularly acute ‘systemic’ problem, which has received renewed attention by policymakers and academics alike, is the civilian deficit issue.

The peacekeeping and peacebuilding landscape is now more complex and demanding than ever before. Resolving conflict or relieving the consequences of conflict spans across the security-development continuum and requires both military and civilian actors. Their approaches must therefore be integrated and their activities coordinated. Conflict transformation and state building—which are essentially civilian tasks—are now at the heart of contemporary mission mandates. The provision of civilian personnel and expertise is therefore integral to fulfilling the mandates of peace operations and the types of skill that civilians are expected to possess has expanded. There has been a sharp rise in the number of civilian tasks mandated in UN Security Council resolutions and in the number of civilian missions undertaken by regional organizations (EU and OSCE). These rises have been coupled with a doubling of civilians assigned to peace operations, which currently exceeds 20,000.7

Unfortunately, current operations are neither fulfilling their mandates nor reaching their authorized strengths, in part due to the slow deployment of civilians and the deployment of civilians who do not possess the requisite skills or expertise.

Recognition of the civilian capacity gap has led to growing efforts to further develop and improve civilian capacity. Over the last five years regional

organizations and some governments are making ever more significant contributions in this field and they are currently either developing or refining their civilian policies, structures and doctrine. For example the EU has developed standing capacities for rapid deployment through the creation of Crisis Response Teams. The governments of Switzerland, Canada and Norway have created rosters of readily deployable trained experts; while others have created inter-agency departments aimed at addressing perceived gaps in the field, such as the UK’s Stabilisation Unit, and the US has established the S/CRS and Civilian Response Corps and developed a “civilian doctrine” for peace and stability operations. At the same time, non-governmental efforts are also underway to create rosters of readily deployable trained experts, including the recent establishment the African Standby Civilian Roster (AFDEM). Such regional, national and non-governmental initiatives complement the renewed concern at the UN, and among regional organizations and national governments about the availability of suitable civilians experts that are rapidly deployable to oversee the political aspects of missions or contribute to key peacebuilding functions.

Welcomed as the above initiatives are, they are too recent, disparate, piecemeal, suffer from stove-piping, and lack exchange across organizations and governmental efforts to share lessons and best practices. More importantly, these efforts are limited to the Western world and often only to the question of rapid deployment. An important step forward in meeting the growing demand for civilian capacities is to turn attention to incorporating the valuable contributions from the Global South—Africa, Asia, Latin America.

In 1999 the Brahimi report acknowledged the deficit of civilians specialists in peace operations. On the 10th anniversary of that seminal report it is encouraging to note that progress has been made, particularly with regard to training and recruitment through the setting up of national and international rosters. However, the main challenges identified in the report, including the paucity of finding suitably qualified civilians at either the right time or in the number required, with the requisite expertise and skills, remains. The UN Secretary-General’s report on Peacebuilding in the Immediate Aftermath of Conflict acknowledged that the policy discourse and debate has woefully been Western-centric and highlighted the need for greater engagement with the Global South. The Horizons paper echoed that sentiment and called for enhanced partnership arrangements with regional organizations and national governments alike through greater information-sharing and coordination.

Some of the key areas identified in the Secretary-General’s report that are instrumental for more effective peacebuilding strategies, at least in the UN context, but are currently lacking, are:
• Unprecedented demands on mission leadership capacity and the lack of such capacity in the UN system. To address this, the UN seeks to develop integrated leadership teams that bring together expertise from the political, peacekeeping and development elements. A notable aspect of this is the emphasis to broaden the pool of candidates by turning to non-European experts and to encourage a greater gender balance. For this to work, the UN will have to work closely with governments, regional organizations and CSO.

• Need for common assessment framework / tools for post-conflict peacebuilding. Such an approach will lead to a more coherent and demand-driven approach, based on existing capacities and willingness. In operational terms, it means a more targeted deployment of international expertise and resources.

• Enhancement of Mediation Support Unit and Electoral Assistance Division in the Department of Political Affairs.

• UN Civilian Roster. To ensure depth, range and diversity of expertise, a significant contribution from the Global South is required. If such a roster were to be utilized, common standards, training and guiding principles have to be reached to ensure interoperability.

The East Asian\(^8\) Context

How do these two global challenges to the success of peacekeeping and peacebuilding affect Asia, what are the implications and how can the region address them?

The region has traditionally been characterized as one with under-institutionalized security structures compared to Europe or even Africa. The Association of South East Asian Nations (ASEAN), the only framework to discuss political, security and economic issues, was, until recently, a bedrock of the ‘non-interference’ principle. Given this underlying principle and a lack of institutional

\(^8\) For the purpose of this paper, the East Asian region comprises of South East Asia and North East Asian countries.
capacity, responses to regional crises in the last two decades have been borne by the UN or through ad-hoc solutions (Australia was the lead nation for the International Force for East Timor–INTERFET). This is not to say however that individual ASEAN countries do not participate in peacekeeping or peacebuilding missions—Indonesia, Malaysia, the Philippines, Thailand, and to a lesser extent, Singapore, do contribute troops, civilian police or niche capacities such engineering battalions to UN operations. In North East Asia, the two major powers, China and Japan, were deeply agnostic about the concepts of peacekeeping and peacebuilding and largely refrained from participation in peacekeeping activities, whether or not under the UN umbrella.

In recent years however, the region has witnessed a palpable normative shift in peacekeeping and peacebuilding. For instance, Japan and China have taken steps to boost their peacekeeping capacity. In 2001 Japan revised its International Peace Cooperation Law that allowed for increased participation of its Self Defense Force in peacekeeping operations; and China has of late entered the UN’s Top 20 military and civilian police contributor list.\(^9\) China’s efforts have thus far been in the military and civilian police domain—through the establishment of a dedicated civilian police training centre—but as China’s foothold in the peacekeeping field solidifies, it is possible that it will place an emphasis on civilian capacities as well. In 2007 Japan established the Hiroshima peacebuilders Centre to broaden and deepen Asian civilian expertise to be deployed in multilateral peace operations.

Within ASEAN, significant institutional developments and political initiatives have taken place to enhance the organization’s and the region’s peacekeeping capacity. In 2003 ASEAN adopted the ASEAN Security Community (ASC) which, among other things, sought to a) strengthen confidence-building measures among ASEAN members, particularly among the military and civilian personnel which would be deployed for disaster relief operations; b) strengthen the ASEAN Regional Forum process; c) strengthen cooperation to address threats and challenges posed by separatism; d) develop regional cooperation through establishing a network of existing national peacekeeping training centres to conduct joint training, and sharing experiences; e) strengthen dispute settlement mechanisms through negotiations and mediation, and good offices; and f) establishing an ASEAN Institute for Peace and Reconciliation.\(^10\)

Toward that end, it was proposed that the ASEAN Secretariat’s capacity to address conflict prevention, peacekeeping and peacebuilding issues should be strengthened by establishing a Peace-building and Reconstruction Program.

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\(^10\) See ASEAN Security Community Plan of Action and ASEAN Concord II.
Unfortunately, the development of this program has not taken off, and capacity within the APSC department, in particular, the political and security directorate remains the least developed of all the pillars in the Secretariat. Interestingly too, the idea for a regional peacekeeping, floated by Indonesia, has also not gained much traction within ASEAN. One area in which ASEAN can clearly play an enhanced role is in mediation. ASEAN can develop its own standby teams of mediators which can also feed into the UN system. Perhaps what is needed to significantly boost the capacity of the ASEAN Secretariat is to depoliticise its make-up, and move towards direct hiring of individuals based on their specific skill-sets.

While we can continue to expect that the ASEAN institutional development process will progress at a slower pace, there are a number of steps that can be taken which does not require extensive political will or momentum. First, is to start talking about the issue – bringing it to the agenda. A number of existing forums, such as the CSCAP study group meetings, are a good place to start discussing and unpicking the concept of civilian capabilities within the region, and more importantly, to play a greater role in shaping the debate and agenda at a global level. Second, is cooperation between peacekeeping training centres. Unlike Africa, Asia is in an advantageous position of not having a proliferation of national peacekeeping centres. The Hiroshima Center in Japan and the civilian police training in Center in China could be turned into regional peacekeeping centres, while forging ties with South Asian peacekeeping centres. At the same time, individual Asian countries can also look to their own domestic structures and begin to develop national structures and policies for civilian capacities. They can begin to identify within their own countries, the type of expertise they can contribute to the UN Civilian Roster and Senior Mission Leadership teams.

And so now to ask a very basic question — is the civilian capacities issue at all relevant for Asia? I would argue yes, for a number of reasons: 1) Although the region is not as conflict-strife as Africa, there are a number of situations in the Asian region that will require the assistance of external actors. And as previous experience suggest, particularly in the case of Aceh, there is greater legitimacy for such interventions when other ASEAN or Asian countries participate. 2) There are significant gains to be had by turning attention to enhancing the Global South’s civilian capacity, particularly from Asia. As the Secretary-General Report on Peacebuilding highlighted, peacebuilding efforts can be enhanced through the contribution of expertise from neighbouring countries, countries with a similar socio-economic and cultural background, or countries that have undergone post-conflict transitions. For instance, when it comes to electoral processes, India will have a more relevant experience of how to conduct elections at a lower cost and with lower technological requirements that will facilitate greater participation from the populace. No European expert will be able to understand or appreciate to
the same degree the complexity of religious and ethnic pluralism in Asian societies—all which have profound impacts on the peacebuilding effort.