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Cooperation of international organisations in peacekeeping operations and issues of international responsibility

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Photo on the Cover: UN Photo by Eskinder Debebe. Secretary-General Ban Ki-moon meets Jan Eliasson (left), Special Envoy of the Secretary-General for Darfur, and Salim Ahmed Salim (right), African Union Special Envoy for Darfur, at UN Headquarters in New York.

Cooperation of International Organisations in Peacekeeping Operations and Issues of International Responsibility

PROEFSCHRIFT

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 prof. dr. R. A. Wessel (University of Twente, The Netherlands)

Meinen Eltern in Liebe und Dankbarkeit

Propositions relating to the dissertation

COOPERATION OF INTERNATIONAL ORGANISATIONS IN PEACEKEEPING
OPERATIONS AND ISSUES OF INTERNATIONAL RESPONSIBILITY

By Moritz Peter Moelle

1. The UN should stipulate an instrument prescribing in detail the dispositions of human rights law applicable to peacekeeping operations similar to the Secretary-General's Bulletin entitled "Observance by United Nations forces of international humanitarian law".
2. The UN and regional organisations should conclude agreements on the distribution of responsibility for each peacekeeping operation in which they operate and cooperate. On a wider scale, this issue raises the question of how to accommodate the interests and concerns of troop-contributing countries.
3. The turmoil and armed fights in Mali, South Sudan and the Central African Republic are proof of the need for the UN and regional organisations to increase their cooperation and their capabilities in the field of conflict prevention.
4. The high amount of cooperation between international organisations in peacekeeping operations requires the formulation of a specific criterion of attribution for the purpose of holding the involved organisations jointly responsible for violations of international law occurring during the deployment of the operation.
5. The fact that the international community is increasingly faced with problems transcending national boundaries which can only be addressed adequately by a multitude of actors such as states, international organisations, private entities through a variety of channels raises the question if for the purpose of attributing conduct the reliance on control over a specific conduct can still serve as a satisfactory criterion in the long-term perspective.
6. Syria and the Ukraine are recent examples that a blockade of the Security Council is still possible and they challenge anew the legitimacy of the Security Council. Whereas concepts such as humanitarian intervention and R2P have not been accepted yet under positive international law, it could be argued that regional organisations may be entitled to intervene militarily under a progressive interpretation of "enforcement action" in Article 53 (1) second sentence of the UN Charter should the Security Council fail to act on its own.
7. The UN should provide more suitable fora for the settlement of claims of compensation in peacekeeping operations. The amount of cases before national courts, e.g. regarding the cholera epidemic in Haiti, also with regard to the equivalent protection doctrine as it was developed by the European Court of Human Rights illustrate that the current system is unsatisfactory.
8. The concepts of universalism and regionalism are obsolete in the field of the maintenance of international peace and security and have been replaced by what one could call "cooperative multilateralism".
9. The changing nature of armed conflicts and the involvements of international organisations necessitates that international humanitarian law is completely revised.

10. The collection of “Big Data” by governments and companies alike and their (financial) exploitation is violating the core sphere of human rights of individuals and should be regulated in an international convention.

11. All good things must come to an end (lekker is maar een vinger lang).

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Abbreviations

ADB	African Development Bank
AICRC	African Immediate Crisis Reponse Capacity
AFISMA	African-led International Support Mission to Mali
AJOC	Abyei Joint Oversight Committee
AMIS	African Union Mission in Sudan
AMISOM	African Union Mission in Somalia
AMU	Arab Maghreb Union
APF	African Peace Facility
APSA	African Peace and Security Architecture
ARIO	Articles on the Responsibility of International Organizations
ARSIWA	Articles on the Responsibility of States for Internationally Wrongful Acts
ASF	African Standby Force
AU	African Union
AUHIP	African Union High-Level Implementation Panel on Sudan
AU PSC	African Union Peace and Security Council
CAR	Central African Republic
CDI	Commission du droit international, see ILC
CENSAD	Community of Sahelo-Saharan States
CINCSOUTH	Commander-in-Chief, Allied Forces Southern Europe
CSDP	Common Security and Defence Policy
CFSP	Common Foreign and Security Policy
CONOPS	Concept of Operations
CPLP	Community of Portuguese-Speaking Countries
DPKO	Department for Peacekeeping Operations
DRC	Democratic Republic of Congo
ECCAS	Economic Community of Central African States

ECHR	European Convention on Human Rights
ECOMIL	ECOWAS Mission in Liberia
ECOWAS	Economic Community of West African States
EDC	European Defence Community
EDF	European Development Fund
EGOMOG	ECOWAS Cease-fire Monitoring Group
ESDP	European Security and Defence Policy
ESF	ECOWAS Standby Force
EU	European Union
EUFOR Chad/CAR	European Union Force Chad/CAR,
EUFOR Tchad/RCA	see EUFOR Chad/CAR
EUMC	EU Military Committee
EUMS	EU Military Staff
EU PSC	European Union Political and Security Committee
EUPT	EU permanent Planning Team
EUTM Mali	European Union Training Mission Mali
EUTM Somalia	European Union Training Mission for Somalia
FARDC	Forces Armées de la République Démocratique du Congo
GA	General Assembly
ICC	International Criminal Court
ICCPR	international Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDB	Islamic Development Bank
IFOR	Implementation Force

IHL	International Humanitarian Law
ILA	International Law Association
ILC	International Law Commission
ISAF	International Security Assistance Force
JEM	Justice Equality Movement
JSCM	Joint Support and Coordination Mechanism
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
LRA	Lord's Resistance Army
MCPMRPS	Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security
MONUC	United Nations Mission in the Democratic Republic of Congo
MICIVIH	International Civilian Mission in Haiti
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MISAHEL	African Union Mission for Mali and the Sahel
MITF	Mali Integrated Task Force
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo
MTA	Military-Technical Agreement
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
NMLA	National Movement for the Liberation of Azawad
NPFL	National Patriotic Front of Liberia
OAS	Organization of American States
OAU	Organization of African Unity
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OIC	Organisation of Islamic Cooperation
OIF	International Organisation of <i>La Francophonie</i>
ONUC	United Nations Operation in the Congo

OSCE	Organization for Security and Co-operation in Europe
PCIJ	Permanent Court of International Justice
PSOs	Peace Support Operations
RECs	Regional Economic Communities
SACEUR	Supreme Allied Commander Europe
SC	Security Council
SDN	Société des Nations, see League of Nations
SFOR	Stabilisation Force
SHAPE	Supreme Headquarters Allied Powers Europe
SLM/A	Sudanese Liberation Movement/Army
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
TCC	Troop-contributing country
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNAMID	African Union/United Nations Hybrid operation in Darfur
UNAMIR	United Nations Assistance Mission for Rwanda
UNAMSIL	United Nations Mission in Sierra Leone
UNEF	United Nations Emergency Force
UNHCR	United Nations High Commissioner for Refugees
UNISFA	United Nations Interim Security Force for Abyei
UNMIK	United Nations Interim Administration in Kosovo
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in the Republic of South Sudan
UNOCI	United Nations Operation in Côte d'Ivoire
UNOM	United Nations Office in Mali

UNOMIL	United Nations Observer Mission in Liberia
UNOMSIL	United Nations Observer Mission in Sierra Leone
UNOWA	United Nations Office for West Africa
UNPROFOR	United Nations Protection Force
UNSOA	UN Support Office for AMISOM
US	United States of America
VCLT	Vienna Convention on the Law of Treaties
WEU	Western European Union
WTO	World Trade Organization
WWII	World War II