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

Cooperation between international organisations in peacekeeping operations has emerged as a major tool in the past few years to maintain international peace and security, in various forms and including different actors. In Sudan, the UN and the AU deployed a hybrid peacekeeping operation, whereas in Yugoslavia in the 1990s, NATO and the UN used the so-called "dual key" arrangements for the authorisation of airstrikes. Nevertheless the potential implications of these cooperation arrangements between international organisations in terms of the law of international responsibility had been neglected nearly entirely until recently. Various studies and reports by international bodies such as the ILA or *the Institut de droit international* opted for a state-centric approach, focusing on the responsibility of international organisations *per se* or in connection with their respective members. In similar fashion, the doctrinal approach was predominated by publications with regard to the responsibility of member-states with international organisations or for acts of the latter, also following the adjudication of several cases such as *Behrami/Saramati* before the European Court of Human Rights. The Articles on the Responsibility of International Organisations (ARIO) adopted by the International law Commission (ILC) of the UN in 2011 also only provide for joint responsibility of international organisations in very limited circumstances, for instance, aid and assistance.

This study therefore sets out to explore – as the main research question – whether international organisations cooperating in peacekeeping operations could be jointly responsible for violations of international law occurring during the deployment of the operation. For various reasons, including the geographic origin of the institutional actors and their prominence in deploying and contributing to peacekeeping operations, the scope of this study shall be limited to the UN and four regional organisations, NATO, the EU, the AU and ECOWAS.

The study follows to a certain extent, the approach taken for the implementation of the law of international responsibility by starting the analysis with the consideration of the question if acts of international organisations cooperating in peacekeeping operations could be attributed to more than one international organisation. In this regard, it is necessary to analyse the legal framework applicable to the maintenance of international peace and security under the UN Charter (Chapter VII), for cooperation between the UN and regional organisations (Chapter VIII), as well as the evolution of inter-institutional arrangements of cooperation between the UN and regional organisations.

Chapter I of this thesis commences with a short analysis of the drafting history of these two chapters of the UN Charter at Dumbarton Oaks and the “re-activation” of the Security Council following the end of the Cold War during which the effective implementation of the mandate of the Council was hindered by the two opposing blocks within the Security Council and their veto rights, i.e. the USA and the USSR. The drafting history of the Charter portrays the relevant Chapters of the UN’s constituent instrument as a compromise between supporters of a regionalist and universalist conception of the system of collective security. This balanced approach towards the maintenance of international peace and security is an incentive for cooperation between the UN and regional organisations. Indeed, the ensuing examination of the practice of the UN following the end of the Cold War, and the legal framework for peacekeeping and peace enforcement operations shows that cooperation between the UN and regional organisations in matters pertaining to international peace and security has risen dramatically following the end of the Cold War. Peacekeeping operations have been transformed from small lightly armed ceasefire-monitoring forces to massive, multidimensional operations with mandates involving both military and civil objectives such as state-building.

In this regard, several observations can be made. First of all, there is an emerging division of labour between the UN and regional organisations with regard to peacekeeping operations. The former focuses on the deployment of multidimensional, traditional operations, whereas more “robust” operations are put on the ground by regional organisations. However, the inquiry into the practice of the UN shows that the Security Council has on various instances handed out mandates which effectively blur the distinction between peacekeeping and peace enforcement operations. The very latest examples of practice seem to indicate a tentative trend towards an abolishment of the distinction between these two concepts.

This aspect is particularly relevant as depending on the qualification of a military operation as either a peacekeeping or peace enforcement operation, an authorisation by the Security Council for a regional organisation could be necessary under Chapter VIII of the UN Charter. The following section consequently analyses the legal framework for cooperation between the UN and regional organisations under Chapter VIII of the Charter. It became evident that the compromise between regionalism and universalism within the whole UN Charter is mirrored within the specific dispositions of Chapter VIII of the Charter. Article 52 of the UN Charter gives priority to regional organisations for the settlement of local disputes, whereas Article 53 itself is a compromise itself between the universalist and the regionalist perception of collective security. On the one hand, the UN may use regional organisations for enforcement action under its authority; on the other, regional organisations may not take enforcement action on their own without an authorisation by the Security Council. Under the first scenario, enforcement action is and has been interpreted less

restrictive in practice; the Security Council may rely on regional organisations for any kind of enforcement action including non-military measures. In contrast, should regional organisations decide to act on their own, an authorisation of the Security Council is only necessary for these enforcement actions involving the use of military force. It is therefore only traditional peacekeeping operations by regional organisations with a mandate limited to the use of force in self-defence that would not fall under the authorisation requirement of Article 53.

In reality, nowadays the Security Council relies exclusively on Chapter VII to mandate regional peacekeeping operations and invokes Chapter VIII solely with regard to the institutional relations between the UN and regional organisations.

Overall, a complex structure for maintaining international peace and security has emerged between the UN and regional organisations in which the gap between universalism and regionalism is bridged by flexible and pragmatic cooperation between these actors. The emerging division of labour between the UN and regional organisations in peacekeeping operations based on cooperation is an impetus for a scenario in which the UN and regional organisations might be jointly responsible. The casuistic approach taken in practice by the Security Council also requires that any criterion of attribution is capable of capturing this varied nature of interaction between the involved organisations.

The following Chapter II proceeds with the top-down approach of analysis chosen for the topic of the present study and tries to ascertain whether the findings of Chapter I can be further corroborated by examining the relations between the UN and regional organisations. Therefore, having explored the wider legal framework under the UN Charter in Chapter I, Chapter II of the study seeks to verify and reappraise the findings of Chapter I by analysing the evolution of the institutional relations between the different international organisations.

The analysis shows that an increasing complexity of institutionalised relations between the UN and regional organisations, involving elements of check and balances and mutual interdependencies has developed.

Furthermore, a certain division of labour not only between the UN and one regional organisation, but also between the UN and several regional organisations is emerging. Following the end of the Cold War, NATO has transformed itself into a global security actor with an array of various partnership programmes around the globe, while simultaneously limiting core strategic interests and its engagement in peacekeeping operations to the Euro-Atlantic area. NATO's engagement in peacekeeping operations on the African continent is limited to small-scale support of air transport and other facilities following explicit requests. This aloofness of NATO can be partially explained by

the fact that the former colonial powers which are members of NATO and the EU alike prefer to act in Africa through the various instruments at disposal of the latter. In contrast to NATO, the EU is very active in peacekeeping efforts on the African continent and a loose triangle of security actors has emerged for that purpose. Whereas the UN will provide and mandate multidimensional peacekeeping operations with a rather traditional mandate, in terms of the use of force, the AU has stepped up as the organisation focusing on providing troops for operations with more tangible mandates, pending a potential transformation later on to a UN operation. The EU itself focuses on two issues in particular. First of all, the EU provides financial and other support, such as training of troops for the operationalisation of the African Peace and Security Architecture (APSA) under the legal framework of the AU. This activity also includes for instance the funding of AU peacekeeping operations such as AMISOM. Moreover, the EU has taken up to deploy short-term and small-scale operations under a Security Council mandate in support of UN operations or in the form of a bridging operation until a UN operation can be deployed. These short-term deployments comprise civil or training missions, for instance EUTM Mali.

The ongoing collaborative efforts to operationalize the African Peace and Security Architecture have seen ECOWAS prevented from developing substantial relations with the UN, NATO or the EU. On the contrary, as part of the APSA, the attention of the non-African organisations has focused on the AU as the organisation with a mandate to maintain international peace and security on nearly the whole African continent. However, as the example of Mali illustrates, ECOWAS is also emerging as a somehow independent security provider in its region alongside the AU and in cooperation with the other international organisations.

Several external and internal factors have induced these involuntarily and voluntary developments. Scarcities of resources and competition for legitimacy have driven the organisations to develop their competences in complementary areas for the deployment of peacekeeping operations. On an internal level, an acquired awareness of the fact that today's conflicts require complex solutions which cannot be carried out by a single actors, has led them to seek cooperation with other organisations.

The analysis of the various cooperation agreements, partnerships and declarations also allows the shedding of light upon the potential distribution of responsibility among the international organisations with regard to violations of international law occurring in peacekeeping operations. The extensive analysis shows that cooperation between international organisations in peacekeeping operations now covers all levels of an operation from the training of troops to pre-planning to the deployment on the ground. This fact increases the likelihood that two or several international organisations will, indeed, be jointly responsible. In particular, the provision of funding by the EU – in

the form of the African Peace Facility – and the UN – by assessed contributions – for AU peacekeeping operations has underlined the influence and control that one organisation can also exercise over another due to specific cooperation arrangements. Both financial mechanisms provide for a request by the AU for funding which has to be approved by either the Political or Security Committee of the EU or the UN Security Council, as well as reporting requirements. The denial of funding by the organisations could effectively prevent an AU peacekeeping operation from being deployed and it therefore furnishes both organisations with an effective tool in order to make their political aims for any AU peacekeeping operation to be effectively heard.

With regard to the question of joint responsibility, the analysis of cooperation arrangements and mechanisms in Chapter II demonstrates an increasingly interplay between all organisations. This continuing institutionalisation of relations among these organisations indicates that it is, in fact, rather likely that conduct arising in the context of a peacekeeping operation and in violation of international law will entail the responsibility of two or more international organisations. The triangle of relations between the UN, the EU and the AU suggests that it is quite likely that these three organisations will be jointly responsible in the context of a peacekeeping operation on the African continent. In contrast, it emerges that ECOWAS and NATO play more of a supporting role in the context of African peacekeeping operations and that accordingly their responsibility might be limited to a supportive role. Nevertheless Chapter II demonstrates once more the pragmatic and casuistic approach taken by all involved actors and it underlines the necessity to critically analyse the specific cooperation arrangements and mechanisms within a given peacekeeping operation.

In order to hold an international organisation responsible, it is required that conduct is not only attributable to that given organisation, but that the latter is also in breach of an international law obligation. Chapter III therefore serves to shed some light on the material law applicable to peacekeeping operations. It starts with a brief overview of the concept of legal personality which is a requirement to hold any international entity responsible under international law. It is then followed by a short section on the dual nature of peacekeeping operations, as organs deployed by an international organisation, but also consisting of troops whose sending states have normally only transferred operational command and control to the international organisation.

Depending on the mandate of a peacekeeping operation and circumstances on the ground, both human rights and international humanitarian law might be applicable to international organisations. As international organisations are not contracting parties to conventions in either of these fields of law, it is necessary to examine other foundations for primary obligations under international law. It becomes evident rather soon that there are many legal uncertainties pertaining to the application of

human rights and international humanitarian law which specifically concern the scope *ratione materiae*, *ratione loci* of these bodies of law.

With regard to human rights law, several theories have been advanced to justify the application of human rights law to international organisations including arguments binding international organisations on the basis of human rights obligations of their member states. The exercise of jurisdiction by international organisations and the question of the application *ratione loci* of human rights law are notably problematic. As international organisations are *per se* aterritorial entities without territory of their own, it is argued that they could only exercise jurisdiction under human rights law in circumstances similar to a state acting extraterritorially.

International jurisprudence generally accepts two models of extraterritorial jurisdiction based on control over a territory (spatial model) or based on control over a person (personal model of jurisdiction), although both models have been also conflated in practice. On the basis of their limited international legal personality, international organisations can be only bound by these specific human rights, which are pertaining to activities they are operating in under their constituent instruments.

The application of international humanitarian law to international organisations is insofar less problematic than human rights law as it is not bound to a specific territory and as it is triggered automatically by any active participation in a conflict. However, the scarcity of practice by international organisations is the cause of other problems. Thus, whereas the general application of IHL to international organisations is not disputed, there is no agreement in legal scholarship and jurisprudence as to whether peacekeepers would be qualified as civilians or combatants under international law and whether the law of international or non-international armed conflict would be applicable if a peacekeeping operation of an international organisation becomes directly involved in a specific conflict, depending also on which side of a conflict an international organisation intervenes.

Violations of international law as they occur during the deployment of peacekeeping operations are normally violations of the most fundamental norms which are equally protected under the law of international armed conflict, the law of non-internal armed conflict, as well as under human rights law. Human rights law is nowadays deemed also to apply in times of armed conflict which raised the question how to determine the applicable law in times of a conflict of norms of IHL and human rights law. Following the jurisprudence of the ICJ in the *Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory* advisory opinion and in particular in its *Legality of the Threat or Use of Nuclear Weapons* advisory opinion, it appears preferable to determine the respective *lex specialis*

norm on a case-by-case basis whereby it should generally be tried to interpret conflicting norms harmoniously.

The common feature throughout the analysis of the law applying to peacekeeping operations is that its application is always dependent on specific circumstances and in that regard its application corresponds well to the casuistic approach of peacekeeping operations. This actually increases the likelihood that two or more international organisations can be jointly responsible for violations of international law occurring in a peacekeeping operation.

One possibility is that the joint attribution of conduct to international organisations is based on violations of different primary norms. Whereas the UN might have been exercising jurisdiction on a territorial basis in a given situation and was bound to prevent a certain conduct, another regional organisation could have been exercising jurisdiction on a personal basis and was obliged to abstain from a certain conduct.

The final section of Chapter III looks into the application of the law of occupation to peacekeeping operations. The application of this body of law requires that a peacekeeping operation has to exercise a degree of control over a given territory similar to that of the national state – which has only happened rarely in practice, such as in the case of UNMIK. Moreover, the international administration of a territory by a peacekeeping operation aims at rebuilding a state and functioning government structures and the maintenance of peace and security which is not in conformity with the law of occupation whose aim it is to safeguard the *status quo* of a given territory. Bearing in mind other arguments, such as the practice by the UN, it therefore argued that the law of occupation is not applicable to peacekeeping operations.

Chapter IV examined the law of international responsibility to ascertain whether the articles on the responsibility of international organisations as developed by the International Law Commission are adequate and fit to regulate the cooperation of international organisations in peacekeeping operations, bearing in mind the results of the analysis conducted in Chapters I to III. It starts with an analysis of the specific circumstances provided for in the ARIO to hold international organisations jointly responsible for violations of international law. Article 7 ARIO regulates the attribution of conduct to international organisations in cases of organs placed at their disposal by other international organisations or states. It stipulates that if the receiving international organisation is exercising effective control over the seconded organ, acts of the latter are considered as acts of the international organisations and are attributed to it accordingly. This disposition is the gateway to an analysis of the law of responsibility for peacekeeping operations as it is deemed generally applicable to ascertain whether a troop-contributing country and member state of an organisation or the

organisation itself is responsible for the conduct of the peacekeeping operation. However an analysis of case-law by national and international courts and tribunals demonstrates that in practice there is no discernible rule under international law for the attribution of an organ seconded to an international organisation by another international organisation or by a state. In fact, although Article 48 ARIO and comments by the Special Rapporteur of the ILC stipulate that two or more organisations may be jointly responsible, the ARIO fail to provide any indication of the required conditions outside the context of two other specific dispositions contained in the ARIO. Article 14 and 15 allow for the attribution of conduct to an international organisation which is aiding or assisting another international organisation in the commission of an internationally wrongful act (Article 14) or exercising direction and control over another international organisation committing an internationally wrongful act (Article 15). These articles, however, operate on the presumption that one organisation is acting in an auxiliary capacity (Article 14) or that the acting international organisation is completely dominated by another organisation (Article 15). They are therefore simply not appropriate or nor capable of regulating the cooperation of international organisations in peacekeeping operations based on cooperative contributions by various international organisations on different levels and in varied forms depending on the specific circumstances of the case.

The suggestion is therefore, in accordance with Articles 64 and 65 ARIO, to elaborate a *lex specialis* criterion of attribution for the specific context of cooperation in peacekeeping operations, referred to as normative control in order to remedy for the existing lacuna under the ARIO. The argument is that the network of cooperation between international organisations in this particular area necessitates a different approach than contained in the articles of the ILC, according to which the attribution of conduct to an international organisation is not based upon a contribution to a specific single act, but stems from the exercise of control over the operation via several components of the whole framework under which a peacekeeping operation is set up. It is emphasised that such a criterion has to be applied depending on the specific circumstances, last but not least, because each peacekeeping operation is unique in its mandate and with regard to the political circumstances. An important feature of the criterion of normative control is the exercise of influence and control on the basis of the institutional ties existing between the involved organisations, both on the inter-institutional, as well as on the mission level.

The applicability and suitability of this newly suggested criterion of attribution in the context of international organisations cooperating in peacekeeping operations is reviewed in Chapter V which included several case-studies. These case-studies consist of KFOR in Kosovo, UNAMID in Sudan, UNMISS and UNISFA in South Sudan and AFISMA and MINUSMA in Mali. Using this chronological approach it is possible to highlight once more the continuously developing character of the relations

among these organisations which are becoming increasingly institutionalised. Another benefit of this approach is that it allowed to further define the suggested criterion of normative control based on the fact that the evolution towards more cooperation between international organisations in peacekeeping operations takes place simultaneously on the intra-mission level. Therefore, whereas the framework for cooperation is rather limited in the case of KFOR and UNMIK, the case-study of both operations in Mali demonstrate the full integration of the whole mission and the linked political process within a cooperative framework. KFOR as the first case-study confirms the hypothesis that an intimate link between the control exercised on a political and on the other levels is necessary to justify holding one or several organisations responsible for the acts of a peacekeeping operation formally deployed by another international organisation. This is based on the fact that the cooperating organisations are not part of the military chain of command of the respective peacekeeping operation. The documents published with regard to KFOR did not justify holding both the UN and NATO jointly responsible for the acts of KFOR, in contrast to the decision of the European Court of Human Rights in *Behrami/Saramati* in which acts of KFOR were considered to be attributable to the UN.

UNAMID in Darfur is unique as a peacekeeping operation as it was set up from the beginning as a hybrid operation by both the UN and the AU. A main difference to KFOR is that the deployment of UNAMID is directly linked to the management of the political process in Darfur. In fact, UNAMID was even responsible itself for steering the implementation and the management of the peace process. With regard to the required nexus between political control based on the institutional relations among the organisations and control on operation-related levels, UNAMID's organisational make-up surpasses this threshold so that it appears justified to submit that both organisations would normally be jointly responsible for violations of international law occurring during the deployment of the operation. UNAMID further allows the formulation of the assumption that the involvement of the same actors within the political peace process and on the operational level is likely to result in a reinforced exercise of control and oversight over the peacekeeping operation by all actors, thereby increasing the potential for joint responsibility.

A different picture presents itself in South Sudan. UNISFA and UNMISS were both deployed under UN auspices. Whereas the peace process in South Sudan is led by the AU, its influence and political control over the peacekeeping operation is not mirrored in the strategic and operational control arrangements. South Sudan therefore confirms the presumption formulated in the context of UNAMID that a situation where the same institutional actors are steering both the political process, as well as the operational and strategic levels of a peacekeeping operation is likely to lead to a joint attribution of conduct. In contrast to UNAMID, it is not justified to attribute any potential violations

of international law occurring during to the deployment of UNISFA and UNMISS to both the UN and the AU. However, it is possible to formulate yet another assumption: As the UN is not only the international organisation with the primary responsibility for maintaining international peace and security but also the organisation with the highest amount of related practice, it appears that it is less willing to accept external cooperation than peacekeeping operations deployed by the regional operations which are part of the present study. A final interesting feature of UNMISS and UNISFA is the inter-mission cooperation mechanisms with UNAMID. The lack of detailed information on these arrangements does not warrant to consider even the possibility that the AU may be jointly responsible for the conduct of UNMISS or UNISFA through this yet additional layer of cooperation.

AFISMA which was deployed in Mali before being transformed to MINUSA can be seen as the prime example for cooperation among the UN and regional organisations. The level of cooperation between the UN, the AU, ECOWAS and also the EU surpasses all other previously examined peacekeeping operations and justifies the consideration of all organisations to be jointly responsible with the qualification that the more limited operational engagement of the EU could be compensated by its more substantial involvement and control by providing funds through the African Peace Facility.

MINUSMA confirms the previously formulated assumption that the degree of cooperation between the UN and regional organisations appears to be more restricted in operations under UN auspices. Nevertheless, MINUSMA and Mali generally may represent the beginning of a new era in peacekeeping operations in which the political process for conflict resolution and the deployment of a peacekeeping operation are included within a wide concerted approach by two or more international organisations. The overwhelming degree of control of the UN exercised over MINUSMA prevented any contribution by and any cooperation with the other international organisations from reaching the degree which would trigger and justify the application of the criterion of normative control.

The following attempt of a typology of intra-mission relationships illustrates again the casuistic approach taken to peacekeeping operations by international organisations. However, all peacekeeping operations demonstrate an approach based on coordination and cooperation, rather than confrontation. The section afterwards scrutinises anew Chapter VIII of the UN Charter from the point of view that the practice of the UN and regional organisations has created a customary law basis under which the regional organisations could be directly bound themselves by the UN Charter. Indeed, bearing in mind, in particular the abundance of practice examined in this study and the fact that regional organisations increasingly seek the authorisation of the Security Council for the deployment of peacekeeping operations, it is justified to consider regional organisations being

directly bound by the UN Charter on a customary law basis. The implication of this argument is that it creates an additional layer of obligations by regional organisations which could give rise to the responsibility of international organisations in the form of precise obligations contained in a Security Council Resolution authorising the deployment of a peacekeeping operation. Furthermore, it increases once again the likelihood of joint responsibility as one could consider the UN to have breached its obligation under human rights law and a regional organisation to have breached an obligation under the mandate of the operation, presupposing that a violation of a UN mandate and thereby UN internal law also corresponds to a violation of international law. This particular question is analysed in the subsequent part of Chapter V and responded to affirmatively. In addition to creating an additional layer obligations in the form of primary norm for regional organisations, there are other consequences, for instance, a derogation from human rights law in the mandate of a peacekeeping operation would not correspond to a derogation from human rights law *per se*, as the mandate has to be considered independently of the corresponding human rights obligation. The regional organisations which are part of this study also possess further obligations under their own internal law prescribing obligations based on considerations of human rights and international humanitarian law, a quick overview of which is presented in the final part of Chapter V. The very end of the final Chapter of this thesis also deals with circumstances precluding wrongfulness which could justify internationally wrongful acts similar to dispositions in criminal law. The consent of a host-state to the deployment of a peacekeeping operation regularly constitutes the legal basis for the deployment of the operation in the first place, but it cannot be seen as a *carte blanche* by the host-state consenting to all potential violations of international law occurring during the deployment of the operation as also follows from the Status of Force Agreements or Status of Mission Agreements concluded regularly between the international organisations and the host-state. The wording of Article 20 ARIO likewise stipulates that the wrongfulness of the act in question would be only precluded in relation to the international organisation or State which has given its consent, meaning, the host-state.

Self-defence under Article 21 ARIO has to be interpreted in the traditional understanding under international law as a reaction involving the use of force to an armed attack so that it generally has to be distinguished from the understanding of “self-defence” in the context of peace operations. Self-defence in peacekeeping operations is understood to cover acts for the defence of the mandate and is primarily conceived as covering “interindividual relations”. However, should a peacekeeping operation respond to an armed attack as defined in Article 21 ARIO, that disposition would be applicable.

The final Chapter VI contains the conclusions and recommendations. Cooperation between international organisations has emerged as the key driver in defining roles or niches in the system of collective security in this study. International Law was two-fold beneficial for this development. The non-existence of established international legal rules applicable to international organisations resulted in a decade long, purely practice driven approach, which, although creating legal uncertainties, might not have been possible if legal rules applicable to international organisations were to have existed when the UN was founded. Peacekeeping operations *per se* would not have been possible without the recognition that international organisations possess “implied powers”. The evolution of cooperation between international organisations cannot be seen as purely voluntary, but was also a result of external factors providing urgent incentives such as the scarcity of resources or claims for legitimacy. New further obstacles might arise resulting from the further multiplication of actors. Peacekeeping operations are increasingly deploying private contractors for specific purposes such as guard duties and states have started to deploy binational or multinational brigades such as the French-German brigade of which parts are deployed to EUTM Mali. The development towards more cooperation between international actors as encountered in this study is not limited to the particular field of peacekeeping operations, but rather part of a general development within international law. It is therefore generally necessary to further develop the law of international responsibility to prevent a further disconnect between the legal framework and reality. A lacuna remains in the ARIO as international organisations entering into cooperation arrangements without the intent to commit violations of international law cannot be hold responsible.

A starting point might be an attempt to reform the system of dispute settlement, but any such undertaking requires the support of states and international organisations alike. Doctrinal propositions include a World Court of Human Rights, but it is unlikely that states would support any such idea. An alternative would be to request an advisory opinion of the ICJ on the application of human rights law to international organisations and the required criterion for the attribution of conduct to two or several international organisations. The persisting obstacle with all suggestions for an enhancement of the regulation of conduct by cooperating international organisations is that the involved actors would refuse any ideas that are contrary to their interests. External pressure such as the accession of the EU to the ECHR may therefore beneficial as it might motivate international organisations and state alike to participate in any undertaking of regulation which can also be appealing for these actors as it would allow them to influence or possibly even steer the outcome.

In similar fashion, there are arguments for and against states to get involved in any attempt of further regulation of the joint responsibility of international organisation. Any such clarification could

possibly increase their protection from being held responsible for acts of organs seconded to international organisations, such as peacekeeping operations. Nevertheless there are two reasons why they might to refuse to support such a measure. First of all, any further development of the rules of international organisations could trigger the development of similar rules for states. Secondly, in particular the main contributing countries to a budget of an international organisation might be also opposed to any efforts which would increase the likelihood of international organisations being responsible. Effective changes therefore require the participation of states and international organisations alike.

With regard to the specific topic of the study, some specific recommendations can be made. The UN and regional organisations should engage in activities clarifying the application of IHL and human rights law to peacekeeping operations. One possibility would be for the UN to adopt a bulletin on the applicability of human rights law. The UN and regional organisations should include dispositions regarding the distribution of responsibility in their respective agreements if they engage in cooperation activities in peacekeeping operations. The UN should also give thought to developing a standard model agreement which may be used to expand and formalise consultation and cooperation between the UN and regional organisations. Finally, the issue of reliable funding for AU peacekeeping operations needs to be addressed by the UN and the EU.