

# **A Workable United Nations Peacekeeping System**

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I want to thank Joseph Schwartzberg for laying a solid intellectual foundation for this conference. I am deeply indebted to him and to other presenters participating here for their path-breaking work over the years to build a more effective United Nations. My assignment this morning is to address the question: what is necessary to establish a more effective, workable peacekeeping system?

I will begin with some suggestions about how we might best understand peace and peacekeeping. Second, I will propose what might be the most promising next steps in establishing a workable UN peacekeeping system. Third, I will summarize costs and benefits of implementing my proposal, followed by suggestions for implementing this proposal. I look forward to your comments and questions during the discussion, because the addition of other views can strengthen the proposal.

## **1. Sustainable peace requires more than war prevention**

First, we need to remember that peace is not merely an automatic consequence of war prevention. To be sustained, peace needs to be planned and institutionalized, and a rule of law encouraged to help address conflicts that inevitably occur. Peace today can more wisely be understood as the result of good

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governance rather than as a result of a particular deployment of military power or the balance of power system. Whether we are addressing war, terrorism, weapons of mass destruction, deployment of weapons in space, managing the rise of dissatisfied states, or migratory pressures, today's security problems can be addressed most effectively if they are thought of as problems of governance. Similarly, war and violence can be more accurately understood as a result of poor governance, by which I mean two things: (1) the failure to establish adequate international institutions to make and enforce law, and (2) the failure to represent fairly and to respond reasonably to those with grievances. Whenever security problems arise, we would be well-served to think about "governance" first of all, to uncover both causes and cures, and secondarily to think of military responses.

Similarly, like peace itself, peacekeeping needs to be conceived more broadly than it traditionally has been.<sup>2</sup> To be successful in the long run, peacekeeping strategy needs to be part of a grand strategy for human security,<sup>3</sup> supported by building a broad international coalition with practical plans to institutionalize peaceful relations among diverse peoples. Human security is advanced by strategic

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<sup>2</sup> Peacebuilding addresses the causes of conflict and employs a wide range of multifunctional instruments to nurture peace processes and social integration. Peacebuilding transforms the social, economic, political, and religious context of conflict so that people can live in a stable and secure community. Peacebuilding, more than conventional peacekeeping, addresses underlying causes of violence to achieve genuine human security. It recognizes the link between human rights, peace, justice, and human security. High quality peacekeeping contributes to peacebuilding and is in turn reinforced by it.

<sup>3</sup> See Fen O. Hampson and Christopher K. Penny, "Human Security," in Thomas G. Weiss and Sam Daws (eds.), *The Oxford Handbook on the United Nations* (New York: Oxford University Press, 2007), 549; Joseph E. Schwartzberg, *Transforming the United Nations System: Designs for a Workable World* (New York: United Nations University Press, 2013), 242.

peacebuilding operating in both intra-state conflicts and international conflicts.

Successful peacebuilding is supported by effective peacekeeping, and peacekeeping is sustained over the long run by effective peacebuilding.

## **2. Peacekeeping for what purpose?**

As we move on the spectrum of peace operations from consensual to coercive enforcement, UN operations move from expecting the consent of the host to *opposition* by the host; from UN impartiality toward adversaries to taking sides *against* a government, as in removal of Iraq from Kuwait, or *for* a government in its fight with internal opponents, as in the Democratic Republic of Congo or Mali; and from non-use of force except in self-defense to *offensive* operations going after those people deemed to be the worst troublemakers.

Yet, as Tom Weiss, David Forsythe, Roger Coate, and Amy Pease conclude: “the history of security operations after the Cold War indicates that the United Nations is incapable of exercising command and control over combat operations. . . .”<sup>4</sup> Farming out coercive enforcement responsibilities to a willing government able to lead a UN-authorized operation is, in these cases, a preferred option.

Caution is necessary in planning UN coercive enforcement in order to avoid inadvertent harm to the society receiving the UN intervention. Recent UN peace operations in the Democratic Republic of Congo, Mali, and the Central African

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<sup>4</sup> Tom Weiss, David Forsythe, Roger Coate, and Amy Pease, *The United Nations and Changing World Politics* (Boulder: Westview, 2011, sixth edition), 84-85.

Republic have raised concerns that UN operations may be endorsing violent measures that go beyond familiar rationales for peacekeeping, including using force primarily in self-defense.<sup>5</sup> UN peacekeepers have undertaken some offensive military actions to attack opposing forces.<sup>6</sup> They have become belligerents, sometimes defending governments whose military personnel have themselves been accused of war crimes. UN forces have taken sides and conducted nation-building or violent stabilization programs in fragmented states. Precisely when this greater willingness to use military power may be needed cannot be resolved here, but given the difficulties if substantial combat becomes part of coercive enforcement, innovations in UN enforcement might focus our purpose on defensive tasks, such as prevention of violence, protection of civilians, and enforcement of law, rather than on aligning peacekeepers with nation building or on one side of civil wars,<sup>7</sup> although these should not be ruled out entirely if necessary to protect people under threat. Such peacekeeping enhancements would signal a significant

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<sup>5</sup> See John Karlsrud, "The UN at War: Examining the Consequences of Peace-Enforcement Mandates for the UN Peacekeeping Operations in the CAR, the DRC and Mali," *Third World Quarterly* (2015) 36 (1): 40-54; Mateja Peter, "Between Doctrine and Practice: The UN Peacekeeping Dilemma." *Global Governance* (2015) 21 (3): 351-370; Touko Piiparinen, "The Interventionist Turn of UN Peacekeeping: New Western Politics of Protection Or Bureaucratic Mission Creep?" *Journal of Human Rights* (2015); Tim Dunne and Sarah Teitt, "Contested Intervention: China, India, and the Responsibility to Protect," *Global Governance: A Review of Multilateralism and International Organizations* (2015) 21 (3): 371-391.

<sup>6</sup> Peter notes that Security Council resolution S/RES/2098 (28 March 2013) "mandates UN peacekeepers to assist Congolese forces in fighting all armed groups. . . . This is the first time in the history of UN peacekeeping that the Security Council has created a list of enemies that UN peacekeepers are supposed to neutralize" (354).

<sup>7</sup> Mateja Peter, "Between Doctrine and Practice: The UN Peacekeeping Dilemma." *Global Governance* (2015) 21 (3): 366-67.

step toward establishing a more robust enforcement capability later on, such as recommended in Joseph Swartzberg's *Transforming the United Nations System*.<sup>8</sup>

My proposals are based on the idea that when violent means are needed for UN enforcement, they should be seen as different from traditional military combat by a state. Emphasizing the enforcement of international law on individuals, when possible, even if military force is needed to do it, is preferable to mounting military combat to fight against an entire society.

Using military power without the host's consent, being partial rather than impartial, and being offensive rather than defensive frequently will attract more criticism and make UN forces targets in warfare more than they have been before.<sup>9</sup> In order to limit problems that could arise from perceptions that robust action "subordinates humanitarian priorities to political agendas,"<sup>10</sup> UN military deployments should be justified as law enforcement operations and should proceed with as much similarity to police enforcement, rather than similarity to traditional military combat, as is feasible.<sup>11</sup> The UN can do more robust enforcement without being narrowly partisan to the extent that it emphasizes enforcing law.

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<sup>8</sup> See pages 225-271.

<sup>9</sup> Peter, 362.

<sup>10</sup> Peter, 363.

<sup>11</sup> Karlsrud favors returning peacekeeping to the classic standards including consent of the host (41).

Of course UN enforcement would be better able to employ a police mode if national military capabilities have been significantly reduced, as proposed by Grenville Clark and Louis Sohn in their recommendations for a UN military capability a half century ago.<sup>12</sup>

In any case, every UN peace operation should have an ombudsman who keeps in close communication not only with UN forces, but also with those forces and peoples the UN may oppose during enforcement. *Some* UN agencies should try to stand above or beyond military alignments even if another UN agency is engaged in enforcement in a particular context.

Domestically, when police use violence against outlaws to enforce the law, they are not required to become partisan in a community-wide political sense. It is possible to take sides in a conflict, such as against those doing ethnic cleansing and in support of those victimized by it, without becoming partial between the two ethnicities in general while upholding the law that protects the rights of all human beings.

The word “workable” in a workable peacekeeping system means being both “politically feasible” and “effective” in field operations. Insofar as peacekeeping has sometimes worked well, we already *do have* in operation some of both meanings.

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<sup>12</sup> Grenville Clark and Louis Sohn, *World Peace Through World Law* (Cambridge: Harvard University Press, 1965).

We should try to shape proposals that enable the international community to bridge from what exists now to what is needed to be more effective.<sup>13</sup>

### 3. The Need for a More Robust UN Enforcement Capability

It is useful to imagine a UN peacekeeping system that is, at the least, able to keep peace in some situations where violent adversaries have **not** agreed to stop killing and where some physical coercion is needed for Chapter VII enforcement -- a UN capability sufficient to protect people threatened by genocide like what occurred in Rwanda in 1994.

This proposal builds on attitudinal changes that were stimulated by the failure to stop genocide in Rwanda and the mass atrocities that occurred within sight of UN peacekeepers in Srebrenica in 1995. Kofi Annan spoke of the growing sense that the international community has a responsibility to protect civilians when their own government is unwilling or unable to safeguard their own people against gross violation of human rights.<sup>14</sup> In his words, “state sovereignty, in its most basic sense, is being redefined. . . . States are now widely understood to be instruments in the service of their peoples, and not vice-versa.”<sup>15</sup> To the extent that

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<sup>13</sup> This is similar to Joseph Schwartzberg’s compelling approach with proposals shaped by both meanings of “workable” in *Transforming the United Nations System*.

<sup>14</sup> “Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.” See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), xi.

<sup>15</sup> Kofi Annan, “Two Concepts of Sovereignty,” *The Economist* (18-24 September 1999): 19-20; cited in Schwartzberg, 239. Secretary-General Ban Ki-Moon established a High-level Independent Panel on UN Peace Operations on 31 October 2014, to make a comprehensive assessment of the state of UN peace operations today, and the emerging needs of the future. The Secretary-General said that “the world is changing and UN peace operations must change

this is true, sovereignty becomes conditional, and it imposes an interventionist peacekeeping **duty** on the international community.

Despite the widely recognized need for a rapid-reaction capability<sup>16</sup> to move quickly to prevent genocide, ethnic cleansing, and crimes against humanity, the United Nations has never established this capability, which the Charter clearly allows. This incapacity resulted in massive killings in Cambodia, the former Yugoslavia, East Timor, Sierra Leone, the Democratic Republic of the Congo, Liberia, Sudan, and elsewhere.

In 2011, the Security Council concluded that crimes against humanity were being committed by the Libyan government and unanimously “urged Libyan authorities to act with restraint, referred the situation to the ICC [International Criminal Court] for investigation, imposed an arms embargo, enforced a travel ban on senior members of the regime, and froze Libyan assets.”<sup>17</sup> Yet, because no UN capability existed to create a humanitarian corridor for civilians fleeing violence, a subsequent resolution, which called for military action to be carried out by NATO, caused division in the Council and fragmented efforts to protect Libyans. Subsequently, the political fallout from this divisiveness also reduced the possibility of effective UN action in Syria.

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with it if they are to remain an indispensable and effective tool in promoting international peace and security.” <http://www.un.org/en/peacekeeping/operations/reform.shtml>, August 11, 2015.

<sup>16</sup> See for example, the Commission on Global Governance, *Our Global Neighborhood* (New York: Oxford University Press, 1995); UN General Assembly, “Report of the Panel on United Nations Peace Operations” (Brahimi Report), UNDoc. A/55/305-S/2000/809, 17 August 2000.

<sup>17</sup> Dunne and Teitt, 379; UN resolution 1970 (February 26, 2011).

Because the need for a skilled rapid-reaction UN capability is widely recognized, particularly now for the purpose of upholding prohibitions of genocide, war crimes, and crimes against humanity, a new initiative in this area might be the form of UN enforcement most likely to gain political acceptance. So let us look at what we might recommend for a new generation peace operations which we have the opportunity to help establish.

#### 4. **Expanding United Nations Enforcement Capability**

To be politically feasible, a proposal for peacekeeping must be perceived to serve some interests of nearly all UN members, especially serving the goals of the middle range powers who need to push for its establishment. A more robust UN peacekeeping system probably cannot be so large and easily deployed that it could threaten the government of a major power -- or it probably would never be established.<sup>18</sup> It should not be so easily manipulated by great powers that it would pose an imperial threat to weak and poor societies. It cannot impose substantial new monetary costs on any society.

With this in mind, I propose the **creation of a United Nations Emergency Peace Service**, a proposal based on extensive discussions by experts and activists seeking to ensure that “the next preventable humanitarian disaster will not

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<sup>18</sup> “Powerful member states simply do not want the world body to possess . . . autonomous military capabilities.” See Weiss, Forsythe, Coate, and Pease, 84-85 (sixth ed.).

occur.”<sup>19</sup> The proposed service could be designed to provide the following functions:

- 4.1. It would be **permanent**, based at UN designated sites.
- 4.2. It would include mobile field headquarters and be ready to **act immediately** to cope with an emergency.
- 4.3. It would be **individually recruited** from among those who volunteer from many countries so it would not suffer the delays of creating ad hoc forces or the reluctance of UN members to deploy their own national military units.
- 4.4. Its personnel would be **carefully selected, well trained, and expertly led**.
- 4.5. It would provide a **wide range of professional skills** in an **integrated service**, including civilian administrators, police, legal and human rights professionals, military personnel, conflict transformation experts, and relief specialists, enabling it to deploy all the components essential for peace and enforcement operations.<sup>20</sup>
- 4.6. It would focus on **enforcing international law**, using methods of police enforcement or what Mary Kaldor has called cosmopolitan law

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<sup>19</sup> The proposal is based on studies conducted by several human rights NGOs, including Global Action to Prevent War, Nuclear Age Peace Foundation, World Federalist Movement, independent scholars, and a small number of former UN and governmental officials. See Robert C. Johansen, “The United Nations Emergency Peace Service: Executive Summary,” in *A United Nations Emergency Peace Service*, edited by Robert C. Johansen (New York: World Federalist Movement – Institute for Global Policy, 2006), 21. See also <http://globalsolutions.org/blog/2011/01/Cote-d%E2%80%99Ivoire-Another-example-need-United-Nations-Emergency-Peace-Service#.ViabP36rQgs>; <http://globalsolutions.org/search/node/unepps#.Viaaf36rQgs>

<sup>20</sup> Robert C. Johansen, “Proposal for a United Nations Emergency Peace Service to Prevent Genocide and Crimes Against Humanity,” in Johansen, *A United Nations Emergency Peace Service*, 26.

enforcement<sup>21</sup> wherever possible, rather than employing more traditional methods of military combat, although military capability could be used under some circumstances and of course always following the laws of war.

4.7. It could also help **address extreme environmental and natural disasters** in cases where other remedies are inadequate for averting severe threats to human well-being.

4.8. It could begin with as few as 15,000 members, but would be preferable if it could have twice that number. The ideal operational context would enable the UN service to have sufficient enforcement strength to discourage fighting quickly in order to move toward a police mode of operation, rather than a less efficacious combat mode.

## 5. Principles of operation

The Charter designates the Security Council as the authority to deploy peace operations, particularly if they are legally binding and involve the use of force. It is the preferred authority to decide to deploy. However, because indecision or use of the veto has paralyzed the Council at crucial times in the past, alternative forms of authorization are desirable. Still, if an alternative form lacks legitimacy or portends deployment that could be achieved too easily, the peace service probably would not be established or could be misused.

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<sup>21</sup> For discussion of when more robust enforcement might be needed than could be provided in a police mode and strategy could be informed by cosmopolitan law enforcement, see Mary Kaldor, *New and Old Wars* (Cambridge: Polity Press, 2006), 119-149, 188.

The best solution is to place normal authorization in the hands of the Security Council, and to ask permanent members not to use the veto against resolutions designed to protect human rights if the resolution enjoys majority support from other Council members.<sup>22</sup> More than eighty countries now support proposals to encourage the five permanent members not to use their veto against enforcing human rights.<sup>23</sup>

An international consortium of civil society human rights organizations might establish itself as a watchdog prepared to exact reputational costs on states that flagrantly flout provisions of an informal regime to discourage vetoing resolutions to protect human rights.

If, despite this suggestion, a resolution is vetoed, the General Assembly might authorize the peace service's use through the Uniting for Peace procedure. Additionally, the Council might in advance authorize the Secretary-General to deploy the service in a crisis, on his or her own authority, under specified conditions such as when substantial loss of life is threatened. The Council could still retain the right to reverse the decision and withdraw the service, through passage of a resolution rescinding the Secretary-General's decision.<sup>24</sup> Additional

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<sup>22</sup>For discussion of state support for a French proposal that permanent members should not use the veto in cases of mass atrocities or genocide, see Louis Charbonneau and John Irish, "Dozens of Nations Back French Appeal to Limit Use of U.N. Veto," <http://www.reuters.com/article/2015/09/30/us-un-assembly-veto-idUSKCN0RU30V20150930>

<sup>23</sup> France has called on UN members to recognize a new "responsibility not to veto" in order to honor the "responsibility to protect" (Charbonneau and Irish).

<sup>24</sup> In this context, a veto would sustain the Secretary-General's decision.

mechanisms to authorize deployment might include authorization by a regional international organization for intervention in one of its own member states.<sup>25</sup>

To guard against the possibility of unwarranted interventions, the following standards suggested by the International Commission on Intervention and State Sovereignty<sup>26</sup> should be followed:

5.1. A legitimate agency must authorize deployment.

5.2. There must be a just cause.

5.3. Intervention must be undertaken with a right intention.

5.4. Intervention should occur only when there is an immediate and evident

threat of gross violations of international human rights. This criterion

reformulates the traditional just war standard of “last resort,” which

remains reasonable when engaging in conventional military combat. But

when engaging in law enforcement, a good outcome might result from early

rather than late deployment.<sup>27</sup>

5.5. The means employed must be proportional to and consistent with the ends sought.

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<sup>25</sup> Even less likely to be viewed as legitimate, but perhaps still acceptable, would be authorization for intervention by a regional international organization in a state *not* a member of the organization, especially if the conflict affects member states, as happened when NATO intervened in Kosovo.

<sup>26</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), 31-37.

<sup>27</sup> The willingness to enforce law, as proposed here, should not be limited to internal conflict. Moreover, it does not seem appropriate to limit deployment of such a service to “last resort” when the international community is enforcing international law. Police need to be present before a riot occurs in order to prevent it, not shoot their way into a community after violence has erupted. Other principles, such as “proportional means,” “right intention” and “reasonable prospects” would still apply.

5.6. A reasonable prospect of success must exist.

Some observers caution that deploying peacekeepers for enforcement will risk putting the United Nations in the position of supporting the existing state against its adversaries, such as in the DRC, Mali, or Somalia, without trying hard enough to seek a comprehensive peace settlement involving all parties within a war-torn state.<sup>28</sup>

Another problem is that peace enforcement that aids in nation building seems to “subordinate humanitarian priorities to political agendas.”<sup>29</sup> Yet at times, UN personnel may advance humanitarian priorities by implementing human security through political change. Touko Piiparinen reports that UN officials at times have used their bureaucratic power to enable offensive peacekeeping operations to promote regime change aimed at ensuring long-term human security.<sup>30</sup>

## **6. Complementing other UN peace operations**

Although in its initial form it would be no panacea for security problems in general, the proposed peace service could provide immediate, full protection in some situations, and it could complement more traditional forms of UN peacekeeping in other contexts. Because successful peacekeeping and

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<sup>28</sup> The tendency of UN forces in Congo was to assist Congolese forces in fighting all armed groups, thereby in effect creating “a list of enemies that UN peacekeepers are supposed to neutralize” (Peter, 354).

<sup>29</sup> Peter, 363.

<sup>30</sup> Piipartinen, 33-35. Expanded UN activity in Cote d’Ivoire and Haiti was not due to strategic mission creep as much as to bureaucratic processes in which “UN officials made an intentional decision to pursue an interventionist policy in a proactive manner” (37, 52).

peacebuilding often require extensive, long-term efforts, in order to have sufficient personnel available to cover the primary role of preventing genocides and other crimes against humanity will require support from the wider UN system and complementary efforts by national and regional actors. The proposed emergency service might be a “first in, first out” response to a crisis, although in particular cases it might continue the deployment of some personnel, such as for training and monitoring local civilian police, after other agencies have arrived to address any needs too large and long-term for the UN emergency service to handle by itself.

Another important institutional innovation, which is desirable but not absolutely necessary to initiate a UN peace service, would be establishing a UN satellite monitoring agency, which could be connected with the International Atomic Energy Agency (IAEA), enabling the peace service and other UN agencies to obtain reliable information. This could enable enforcement to be as violence-free as possible and could enable it to gather evidence that might be useful in judicial processes to hold individuals accountable for any gross violations of human rights.

## **7. Costs**

The proposed UN Emergency Peace Service would entail significant financial costs of roughly \$1 to \$2 billion annually.<sup>31</sup> These could be financed through

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<sup>31</sup> These could be covered by payments of about \$2 per capita from the industrialized countries and \$0.10 per capita from poor countries in the regular UN budget assessments. Alternatively, the force could be funded from levies on international currency exchanges, military budgets, or the weapons trade if the international community decided to do so.

regular peacekeeping member contributions or a Tobin tax on international currency exchanges. In any case, the new costs would be far less than the costs that repeatedly occur, and could be saved, from failure to enforce core international laws of peace and human rights. The Carnegie Commission on Preventing Deadly Conflict found that the international community “spent approximately \$200 billion on conflict management in seven major interventions in the 1990s (Bosnia and Herzegovina, Somalia, Rwanda, Haiti, the Persian Gulf, Cambodia, and El Salvador).” Yet the Commission also found that it could have saved \$130 billion of this amount “through a more effective preventive approach.”<sup>32</sup> Similarly, the cost of reinforcing the UN force in Rwanda (UNAMIR) with the 5,000 soldiers that the UN commander, General Romeo Dallaire, “thought were needed to prevent or stop the genocide, has been estimated at \$500 million; yet the cost of humanitarian assistance to Rwanda and the region after the genocide was \$4.5 billion.”<sup>33</sup>

## 8. Benefits

A UN emergency peace service could offer a comprehensive, internationally legitimate way to meet the need to **prevent atrocities** while reinforcing

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<sup>32</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 20. See also Carnegie Commission on Preventing Deadly Conflict, *The Costs of Conflict: Prevention and Cure in the Global Arena*, eds. Michael E. Brown and Richard N. Rosecrane (Lanham, Md.: Rowman & Littlefield, 1999).

<sup>33</sup> See United Nations Security Council, *Report of the Secretary-General*, “No Exit Without Strategy: Security Council Decision-making and the Closure or Transition of United Nations Peacekeeping Operations,” S/2001/394 (April 20, 2001: 5-6).

international laws that prohibit war crimes, genocide, and crimes against humanity.

It could **facilitate decisions to deploy** peacekeepers because UN members would not be as likely to drag their feet when considering decisions to deploy since members would not be sending their own national military units into harm's way.

For the first time in history an agency recruited individually from the world community and acting on its behalf could immediately **provide integrated human security services** to suppress violence, disarm warring parties, and protect innocent people at home or in humanitarian corridors.<sup>34</sup>

If cynical political leaders knew that a UN service could be deployed quickly to enforce the law against crimes, that possibility might **deter** some crimes, simply because the leaders might want to avert the possibility that the UN force would be asked to enter their country. "The very existence of an immediately available and effective UN Volunteer Force would be a deterrent in itself," concluded the Commission on Global Governance. "As its skill, experience and reputation grew, its need to use force would probably decrease. . . ."<sup>35</sup>

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<sup>34</sup> On the unrealized potential of UN civilian police, see Robert C. Johansen, "Enforcing Norms and Normalizing Enforcement for Humane Governance," in *Principled World Politics: The Challenge of Normative International Relations*, edited by Paul Wapner and Lester Edwin J. Ruiz (New York: Rowman & Littlefield, 2000), 218-227.

<sup>35</sup> Commission on Global Governance, *Our Global Neighborhood*, 112.

In Secretary-General Annan's view: "If states bent on criminal behavior know that frontiers are not the absolute defence; if they know that the Security Council will take action to halt crimes against humanity, then they will not embark on such a course of action in expectation of sovereign impunity."<sup>36</sup>

An emergency peace service could **provide secure humanitarian corridors** to enable threatened people to move to a secure refuge, as has been needed in recent years in Libya, Iraq, Syria, and elsewhere.

It could provide **mobile police** units to help provide safety in tense local communities that need stability, and it could help to re-train and monitor local police. This could be done at the request of a host state interested in helping itself avoid sliding into chaos. The Indonesian government, for example, eventually consented to accepting an international peacekeeping force in East Timor for two reasons. First, the Council pressed for its acceptance and the Secretary-General's office let the government know that they could face criminal charges for their inability to stop violence if it occurred during their refusal to accept proffered UN help. Second, an ad hoc UN force with Australian help, stood ready to help.<sup>37</sup>

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<sup>36</sup> Kofi Annan, "Secretary-General's Annual Report to the General Assembly," UN Press Release, 20 September 1999:5.

<sup>37</sup> See Johansen, "Proposal. . .," *United States Emergency Peace Service*, 32.

The proposed UN service could provide authoritative, early, on-site UN **fact-finding** which could deter crimes and, if needed, aid the start-up of longer-term peacebuilding operations.

It might be able to support **international judicial functions** by collecting evidence useful for truth commissions and prosecution of war crimes and by assisting in arrests of those indicted by the ICC.<sup>38</sup>

It could **protect** those delivering **humanitarian services** to threatened people and could help **protect and process refugees** and displaced persons fleeing violence. This would serve the interests of both big and small powers, and especially those states geographically near to protracted conflicts. Such an enforcement capability was needed in Darfur in 2003 and again in 2014-15.

Contributors to the United Nations–African Union Mission in Darfur

(**UNAMID**)<sup>39</sup>, a hybrid United Nations and African Union mission to protect civilians, would have been helped by having a highly trained, mobile force help to stop the Sudanese armed forces from crimes in the region, a task that the 47 diverse countries contributing to UNAMID were unprepared to accomplish by themselves.

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<sup>38</sup> In addition, the Council might experiment with these possibilities: Especially if the Security Council has made a referral to the ICC, there needs to be a more robust response to an indictment. This might include a legally binding denial of international travel by the indicted as long as he or she refuses trial; denial of international purchases or sales of military material by the indicted and those within the indictee's government as long as it shields the accused from prosecution and he or she refuses trial. Prolonged refusal to stand trial could result in secondary boycotts of other countries that refuse to uphold the travel ban and embargo military goods. Humanitarian corridors should be created for those threatened by illegal conduct of the indicted.

<sup>39</sup> Approved by Security Council Resolution 1769 (July 31, 2007)

The emergency service could respond to humanitarian crises growing out of **environmental or national disasters** that national governments are unable or unwilling to address, such as providing assistance to Nepalese following the earthquake in 2015 or and helping to limit the spread of ebola in West Africa.

Finally, one large yet seldom discussed benefit would be the way in which establishing such a service could be an institutional breakthrough that would **educate nations** about how to expand international law enforcement as the peace service's positive reputation might grow. It could teach that effective UN enforcement **is** realistic. If UN enforcement succeeded and enjoyed high legitimacy, it might gradually decrease countries' perceived need to rely as much on national military means for promoting human security. Overall, as Joseph Swartzberg suggests, "establishing a corps of volunteers inspired by an ethos of global service and common allegiance to humanity, rather than to specific countries, would promote a salutary planetary consciousness."<sup>40</sup>

## 9. **Implementation**

The time is right for developing more effective UN capabilities to protect innocent people. We see the need clearly in the news almost every day. Various UN standby approaches have been tried and found wanting.<sup>41</sup> Because

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<sup>40</sup>Schwartzberg, 245.

<sup>41</sup> See the UN Panel on UN Peace Operations (Brahimi Report); International Commission on Intervention and State Sovereignty; High-Level Panel on Threats, Challenges, and Change; Commission on Global Governance; and the

governments have been slow to act, there must be sustained pressure from a coalition made up of civil society organizations, sympathetic individuals and agencies at the UN, and supportive national governments, much as paved the way for creating the International Criminal Court. Advocacy of a UN peace service could be founded on human rights arguments, because experience with transnational networks on human rights has demonstrated that these can have impact.<sup>42</sup>

A United Nations Emergency Peace Service could be a clear manifestation of “sovereignty as responsibility.” Because “it is the peoples’ sovereignty rather than the sovereign’s sovereignty” that should be given more weight in decision-making today,<sup>43</sup> the international community should establish reliable institutions to honor its duty to prevent mass murder by irresponsible governments. As Kofi Annan warned, “the core challenge . . .” is “to forge unity behind the principle that massive and systematic violations of human rights . . . should not be allowed to stand.”<sup>44</sup> To achieve that undeniable duty, a UN emergency peace service would be likely to produce enough benefits to demonstrate that, when it comes to stopping genocide,

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report of the High-level Independent Panel on Peace Operations, *Uniting Our Strengths for Peace: Politics, Partnership and People*, 16 June 2015.

<sup>42</sup> See Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press, 2009); Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998); Kathryn Sikkink, Steve C. Ropp, and Thomas Risse-Kappen (eds.), *The Power of Human Rights: International Norms and Domestic Change* (New York: Cambridge University Press, 1999).

<sup>43</sup> Kofi Annan, “Two Concepts of Sovereignty,” 49-50.

<sup>44</sup> Annan, “Two Concepts of Sovereignty,” 49.

war crimes, and crimes against humanity, “the collective interest is the national interest.”<sup>45</sup> A UN enforcement service could stop vicious attacks by people of one identity or religious tradition on those of another, help to end a culture of impunity, and produce monumental benefits in lives saved, mothers and daughters protected against sexual abuse, “families still able to live at home, time and money never spent to kill and destroy, tolerance maintained in multiethnic societies, laws upheld, and communities at peace.” If enough people act together, it will be possible to “enliven that spark of human solidarity that lives,” although often hidden, “within people everywhere on earth.” We could finally “give genuine meaning to the solemn promise, ‘never again.’”<sup>46</sup> And this could lay the foundation for institutional innovations further down the road that would be even better able to uphold international laws for peace and human rights.

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<sup>45</sup> Annan, “Two Concepts of Sovereignty,” 49. Emphasis added.

<sup>46</sup> Johansen, “Proposal. . .,” in Johansen, *A United Nations Emergency Peace Service*, 34.