

Peacekeeping and enforcement action in Africa: the role of Europe and the obligations of multilateralism

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Introduction

The duties, if any, of European states to participate in multilateral operations in Africa are currently a matter of some controversy. What are the obligations of European states with regard to the maintenance of international peace and security in Africa? How far is it legitimate for them to avoid the contribution of troops to UN peacekeeping operations in Africa? Does the reluctance of European and other developed states to participate in UN peacekeeping operations in Africa have significant legal consequences? This article will consider these issues in three main sections. The first provides an overview of UN peacekeeping in recent years at a time when there has been a substantial surge in demand for peacekeeping troops. It discusses the problems that the UN has faced in securing troops from developed member states, particularly for operations in Africa. The second section describes the pattern which has emerged in recent practice with regard to peacekeeping and enforcement action in Africa. Although developed states have generally been reluctant to provide troops for UN peacekeeping operations in Africa, they have undertaken Chapter VII operations in the Democratic Republic of Congo (DRC), Liberia and Côte d'Ivoire as 'coalitions of the willing'. They have also provided assistance to certain African governments threatened with violent overthrow, such as the governments of Sierra Leone and Côte d'Ivoire. They have turned to regional and sub-regional organisations to take the lead in certain conflicts: they have provided financial assistance, logistical support and military training for such organisations. The third section considers whether the reluctance of European and other developed states to participate in UN peacekeeping in Africa, and their preference that regional organisations should play the main role, leads to legal questions about the duties of member states and the nature of multilateralism. Could this recent practice even legitimate a reinterpretation of the UN Charter provisions in Chapter VII and VIII?

UN peacekeeping and the demands of multilateralism

Recently the UN Deputy-Secretary-General has warned of the danger that the war on global terror may cause states to lose sight of the needs of UN peacekeeping.¹ In

¹ Deputy Secretary-General Louise Fréchette, address to Foreign Affairs Committee of EU Parliament, March 2004; UN News Service, 27 January 2004.

the last two years there has been a massive increase in peacekeeping operations and a corresponding surge in demand for peacekeeping troops.² There are – as at the end of 2004 – sixteen UN peacekeeping operations, of which seven are multi-dimensional operations designed to secure the transition from war to peace; as well as security issues, multi-dimensional operations also deal with political aspects, human rights, humanitarian concerns, the rule of law and police activities. Seven of the sixteen peacekeeping operations are in Africa. The largest is MONUC, a force of up to 16,700 troops in DRC; next largest is UNMIL, a force of up to 15,000 troops in Liberia. The total number of UN peacekeeping troops at the end of 2003 was about 45,000, three-quarters of which were in Africa.³ In 2004 the UN expanded its operation in Côte d'Ivoire;⁴ it has created a new force in Haiti;⁵ and has finally set up a long-awaited force in Burundi;⁶ there are plans for possible new operations in Sudan⁷ and also Iraq. The UN has spoken of a potential increase in the total number of troops to 80,000.⁸ At one time it was feared that the 2004–5 peacekeeping budget might turn out to be \$4.5 billion, nearly double that originally estimated, and an amount unprecedented in UN history.⁹ The current total of approximately 56,000 peacekeepers in December 2004 is already the highest since October 1995.¹⁰

This brief overview makes clear that there has been a 'surge in peacekeeping' comparable to that in the early 1990s. But, in contrast to the 1990s, this increase has taken place without the significant participation of developed states in the provision of UN peacekeeping troops that occurred in the UN operations in Yugoslavia and Somalia. Currently only about 10 per cent of UN peacekeeping troops come from the EU.¹¹ This figure on EU participation became a little more impressive after 1 May 2004 with the accession of new members to the EU and the addition of Poland, Hungary and Slovakia which are all significant troop-contributing countries (TCCs).¹² The top ten contributors of troops are all developing states; poorer countries are providing the greatest contribution to UN peacekeeping operations, but even this support is insufficient to meet rising demands.¹³

² UN Press Release DEV/2485, 7 September 2004; UN Press Release SG/SM/8311, 17 May 2004; UN Press Release SC/8095, 17 May 2004.

³ www.un.org/Depts/dpko/dpko/contributors/.

⁴ SC 4918th meeting, UN Press Release SC/8012, 27 February 2004.

⁵ SC Res 1542 (2004).

⁶ SC Res 1545 (2004).

⁷ UN Press Release SC/8120, 11 June 2004.

⁸ UN Press Release DSG/SM/216, 30 April 2004; UN website, Department of Peacekeeping home page, 'Meeting new challenges' (www.un.org/Depts/dpko/dpko/faq/q8.htm), visited on 18 August 2004; UN Press Release DEV/2485, 7 September 2004.

⁹ UN Press Release GA/AB/3613, 3 May 2004; UN Press Release GA/AB/3614, 4 May 2004.

¹⁰ UN Press Release SC/8096, 17 May 2004; UN Press Release DEV/2485, 7 September 2004; www.un.org/Depts/dpko/dpko/contributors/.

¹¹ UN website, Department of Peacekeeping home page, (www.un.org/Depts/dpko/dpko/faq/q8.htm), visited on 18 August 2004, 'Who contributes personnel?'. Earlier this figure of EU contribution was only 7 per cent, UN Press Release DSG/SM/216, 30 March 2004; UN Press Release GA/SPD/299, 27 October 2004.

¹² The US contributes 1 per cent of troops, but pays the largest financial contribution; in 2004 it paid \$790 m of the peacekeeping budget, UN Press Release GA/PK/180, 29 March 2004. The very restrictive US doctrine on participation in UN peacekeeping is set out in US Presidential Directive PDD 25 of 1994.

¹³ UN News Release, 27 January 2004; UN website, Department of Peacekeeping home page, (www.un.org/Depts/dpko/dpko/faq/q8.htm), visited on 18 August 2004, 'Who contributes personnel?'

Immense challenges face UN peacekeeping.¹⁴ There have been repeated warnings of a 'supply crunch'. The Under-Secretary-General for Peacekeeping Operations has acknowledged that 'Today's peacekeeping demands exceed what the UN or any other regional or sub-regional organisation by itself could meet'.¹⁵ At the same time the armed forces of developed states are heavily committed in Afghanistan and Iraq. It is striking that the UN's concern to persuade more developed states to provide troops is openly set out even on the UN peacekeeping website, as a Frequently Asked Question (FAQ) on 'Meeting New Challenges'.¹⁶ The Non-Aligned Movement (NAM) has also argued that countries from the developed north should participate with more troops; it opposed the establishment of any practice consisting of the participation of countries from the industrialised world in the more difficult operations only with equipment or senior officers and no troops.¹⁷ Similarly, the Rio Group has said that it was high time the developed states took up a larger share of the troop demand for peacekeeping operations.¹⁸ The High-level Panel on Threats, Challenges and Change set up by the UN Secretary-General also stressed in its Report, *A More Secure World: Our Shared Responsibility* (2004), that for peacekeeping and, in extreme cases, peace enforcement to continue to be an effective and accepted instrument of collective security, the availability of peacekeepers must grow. 'The developed states have particular responsibilities here, and should do more to transform their existing force capacities into suitable contingents for peace operations'.¹⁹

Japan, fearing that it would be faced with a peacekeeping bill of \$900 million for 2005, has warned that although there has been a welcome revival of UN peacekeeping, the continuing creation and deployment of missions on an unprecedented scale was beginning to cast a 'grim shadow' over that revival. It went on to question the need for peacekeeping operations to engage in human rights and development activities.²⁰ But it is important to put the concern of Japan in context: as the Under-Secretary-General for Peacekeeping has said, 'Even with these new operations, the cost of peacekeeping will still be less than one half of 1 per cent of the world's combined military spending. Another way of looking at it is that the cost of all UN peacekeeping combined is minimal when you consider that civil wars cost \$120 billion annually'.²¹

The scope of UN peacekeeping and peace-building is currently under re-examination. The Under-Secretary-General for Peacekeeping Operations, briefing the Fourth Committee as it carried out its comprehensive review of the whole

¹⁴ UN website, Department of Peacekeeping home page, (www.un.org/Depts/dpko/dpko/faq/q4.htm), visited on 18 August 2004, 'What are the current challenges to successful peacekeeping?'.
¹⁵ UN Press Release GA/SPD/297, 25 October 2004.

¹⁶ UN website, Department of Peacekeeping home page, (www.un.org/Depts/dpko/dpko/faq/q4.htm) visited on 18 August 2004, 'What are the current challenges to successful peacekeeping?'.

¹⁷ UN Press Release GA/PK/180, 29 March 2004, Special Committee on Peacekeeping Operations, statement by Morocco on behalf of the NAM; see also UN Press Release GA/SPD/298, 26 October 2004, Fourth Committee, statement by Morocco on behalf of the NAM.

¹⁸ UN Document GA/SPD/299, 27 October 2004.

¹⁹ *A More Secure World: Our Shared Responsibility* (New York: UN, 2004), para. 216.

²⁰ UN Press Release GA/AB/3614, 4 May 2004.

²¹ UN Press Release OBV/422, 24 May 2004. See also, UN Press Release DSG/SM/216, 30 March 2004, 'Deputy Secretary-General calls for increased support by EU for millennium goals, UN peacekeeping'; UN website, Department of Peacekeeping home page, (www.un.org/Depts/dpko/dpko/faq/q6.htm), visited on 18 August 2004; UN Press Release SG/SM/9311, 17 May 2004.

question of peacekeeping operations in all their aspects, said that five years after the *Brahimi Report*²² peacekeeping was again at a crossroads. Should UN peace operations work on the scale that was currently demanded and if so were resources available? Or should they focus on a more limited number of niche tasks? The Special Committee on Peacekeeping in its 2004 session²³ and the Security Council in its day-long debate on peacekeeping operations in May 2004 engaged not only in consideration of practical issues such as rapid deployment of troops and rapid reimbursement of troop-contributing countries, but also in more general discussion of the nature of peacekeeping. Some states stressed the dangers of 'mission creep' and the essentially temporary nature of peacekeeping; others argued for the crucial importance of post-conflict peacebuilding for the prevention of the recurrence of conflicts.²⁴

The Secretary-General in his contribution to the Security Council's day-long debate on peacekeeping operations said that there had been great advances in UN peacekeeping since the *Brahimi Report*: UN peacekeeping was definitely more efficient and better coordinated than it was five years ago. It was better equipped, both at Headquarters and at the Logistics base at Brindisi, to support its field operations and to respond more rapidly to sudden developments. But, notwithstanding these advances, 'the scale of the current surge might well outstrip our capacities to backstop the operations and we will have to look at augmenting those capacities'. UN missions remained hampered by a lack of specialised military capacities, generally available from the military forces of developed countries. Unfortunately those countries today make only limited contributions of troops to UN peacekeeping operations. At the same time many states that were willing suppliers of troops had great difficulty in deploying staff within the necessary time frames.²⁵

It is notorious that the UN has in the past faced serious problems in securing enough and adequately trained and equipped troops, especially for operations in Africa.²⁶ These problems were also seen recently with relation to the UN operations in the DRC. In 2004 the Secretary-General sought an increase in the size of MONUC, the UN force in the DRC, to 24,000, but the Security Council was willing to authorise a total force of only 16,700.²⁷ The Secretary-General said 'I continue to believe that the total military and police strength recommended in my Third Special Report is the minimum required to effectively meet the current challenges in the DRC'.²⁸

As another manifestation of the difficulties faced by the UN in securing contributions from member states in 2004, the UN Secretary-General warned of the problems that would be faced in securing troops for the transformation of the UN mission in Côte d'Ivoire into a peacekeeping operation (UNOCI).²⁹ He said that 'the Secretariat had recently encountered challenges in securing in a timely manner

²² UN Document S/2000/809; 2000 United Nations Yearbook (UNYB), p. 83.

²³ Established by the General Assembly in 1965 to conduct a comprehensive review of all issues relating to peacekeeping. UN Press Release GA/PK/180, 29 March 2004; UN Press Release GA/PK/181, 30 March 2004.

²⁴ UN Press Release SC/8095, 17 May 2004.

²⁵ SC 4970th meeting, UN Press Release SC/8095, 17 May 2004.

²⁶ Christine Gray, *International Law and the Use of Force*, 2nd edn. (2004), at p. 239.

²⁷ UN Press Release SC/8203, 8 December 2004; SC Res 1565(2004).

²⁸ UN Press Release SC/8204, 1 October 2004.

²⁹ UN News Centre, 9 January 2004.

adequately equipped military contingents for UN peacekeeping operations. The proposed operation poses particular challenges with regard to force generation, especially because it comes at a time when recently established operations, as well as anticipated ones, are competing for limited resources.³⁰

Rwanda

This problem of securing adequate troops in a timely manner arose most dramatically in relation to Rwanda. It is now ten years since the genocide of 1994 and this anniversary has prompted many attempts at reappraisal and examination of the questions: 'could it happen again today?' and 'how to respond better in the future'.³¹ As part of the response to the Rwandan genocide, there has been much discussion of how to change international law on humanitarian intervention: whether there is now a legal 'responsibility to protect' (as suggested by the Report of the International Commission on Intervention and State Sovereignty) – a duty to intervene in certain cases of humanitarian need. If so, should guidelines be drawn up as to when it would be legitimate to override an actual or a threatened veto by a permanent member which has the effect of obstructing humanitarian intervention for which there is majority support in the Security Council?

The UK in particular has pressed for the development of a strong doctrine of forcible humanitarian intervention, not only through the UN but also unilaterally. It was the first state expressly to put forward a legal right of humanitarian intervention by states in the absence of Security Council authorisation; it did so in 1991 with regard to Iraq. The UK used the doctrine of humanitarian intervention to justify the enforcement of no-fly zones over Iraq from 1991 to 2003 by the US and the UK in order to protect the Kurds and other civilians from repression by Saddam Hussein. But the use of this doctrine proved very controversial; the doctrine of humanitarian intervention was not expressly taken up by the USA and other states did not invoke this particular operation in Iraq as a precedent in support of the 1999 NATO operation in Kosovo.³² There are some signs of support for the doctrine in NATO's justification for its actions in Kosovo, but few states (though many commentators) have expressly argued for the existence of such a legal right. Nevertheless, in recent years UK Prime Minister Tony Blair has consistently pressed the UN to adopt criteria for intervention in humanitarian crises. From his 1999 speech in Chicago calling for a doctrine of international community,³³ to the UK's submission of more detailed criteria to the Security Council as a framework for intervention,³⁴ he has sought international acceptance for this controversial legal doctrine. These efforts did not prosper at the time, but in 2004 the Prime Minister revisited the issue; his

³⁰ UN Document S/2004/3, 6 January 2004, Report of the Secretary-General on the UN Mission in Côte d'Ivoire. The ECOWAS contingents from Benin, Ghana, Niger, Senegal and Togo already present in the country were rehatted under UNOCI.

³¹ See, for example, UN Panel Discussion on Rwanda Genocide, UN Press Release AFR/888, 7 April 2004; OAU Panel, *Rwanda: The Preventable Genocide*.

³² Gray, *International Law and the Use of Force*, p. 47.

³³ 22 April 1999, (www.number10.gov.uk/output/Page1297).

³⁴ 71 *British Yearbook of International Law (BYIL)* (2000), p. 646.

Sedgefield speech of 2004 was another attempt to encourage other states to adopt the doctrine.³⁵

However, the *High Level Panel on Threats, Challenges and Change* set up by the UN Secretary-General has taken a relatively careful approach in its Report, *A More Secure World: Our Shared Responsibility* (2004) of December 2004. The Panel reaffirms the need for Security Council authority for humanitarian intervention and sets out criteria for UN action, rather than for the unilateral use of force by states purporting to be acting on behalf of the international community. Its focus is on collective action.³⁶

Moreover, it is clear that the main problem in Rwanda was not one of international law, but one of political will. Although there were some problems with the limited and ambiguous mandate of the UN peacekeeping force in Rwanda, it wasn't any inadequacy of international law which led to acquiescence in the massacres or to the choice by member states of the UN Security Council to reduce the authorised size of the UN force from 2,500 to 270 at the critical time and then, when the Security Council changed its mind in May 1994, to the delays in providing sufficient troops until it was too late.³⁷ The former Deputy Force Commander of UNAMIR, the UN peacekeeping force in Rwanda, blamed 'poor logistics support owing to lack of financial support for the mission; and, worst of all, lack of political will on the part of world leaders'.³⁸ The governments of Belgium, France and Italy had begun evacuating their own nationals while doing nothing to assist the Rwandans in their most critical hour of need.

Accordingly, the UN itself has focused mainly on practical measures in developing the *UN Action Plan to Prevent Genocide* launched on 7 April 2004.³⁹ This was offered as the 'only fitting memorial the UN can offer to those whom its inaction in 1994 condemned to die'. In outline it focuses on, first, preventing armed conflict; second, the protection of civilians in armed conflict; third, ending impunity; fourth, clear and early warning; and fifth, the need for swift and decisive action. The UN has already introduced significant reforms in peacekeeping following the recommendations of the *Brahimi Report*.⁴⁰ It has taken measures to establish more timely and more robust peacekeeping forces; to improve early warning; and to establish international criminal tribunals and the new International Criminal Court. The UN Secretary-General has been more willing openly and publicly to put pressure on the Security Council to act in the face of threatened disaster – with some belated success in the DRC, where the Secretary-General urged intervention in 2003 to stop the fighting between militias and end its devastating impact on civilian population in the mineral-rich Ituri province.⁴¹ His call for member states to authorise action was rather less effective in Liberia – where the Security Council waited for the overthrow of Charles Taylor in 2003 before authorising a UN force.⁴²

³⁵ 5 March 2004, <www.number10.gov.uk/output/Page5461>.

³⁶ UN, *A More Secure World*, para. 199.

³⁷ *The UN and Rwanda 1993–1996*, the UN Blue Book Series Vol. X (1996); OAU Panel, *Rwanda: The Preventable Genocide*.

³⁸ UN Press Release AFR/888, 7 April 2004, UN Panel Discussion on Rwanda Genocide.

³⁹ UN Press Release SG/SM/9245, 7 April 2004, <www.unog.ch/news2/documents/newsen/sg04003e.htm>.

⁴⁰ UN Document S/2000/809; 2000 *UNYB*, p. 83.

⁴¹ Gray, *International Law and the Use of Force*, p. 258.

⁴² *Ibid.*, p. 259.

But there are still fundamental problems with peacekeeping as an instrument to prevent genocide or other humanitarian disaster: these make it unlikely that any great improvement can realistically be hoped for in the short term. The experience in Sudan since 2003 has not been encouraging to those who advocate military intervention, whether unilateral or through the UN, to prevent humanitarian catastrophe. First, the UN, although it has made major practical and administrative reforms in peacekeeping capability, has also had difficulties in meeting the targets of deployment within 30 days for a minor operation and within 90 days for a more complex operation. Second, the UN Security Council, following the *Brahimi Report* recommendations, is now more inclined to create robust mandates for peacekeeping operations. Moreover, when it authorises the use of force by UN troops under Chapter VII of the UN Charter it commonly adopts a formula which is a direct response to the experience of Rwanda: it authorises the UN troops to protect not only their own personnel and to secure their own freedom of movement, but also to protect 'civilians under imminent threat of physical violence' at least 'within its capabilities and areas of deployment'. But, on the other hand, following the *Brahimi Report* recommendations, the Security Council has also refused to authorise UN operations until adequate troops are guaranteed by member states to carry out the proposed mandate. The combination of these two factors – the need for a robust mandate and the competing need not to authorise a force until the resources are guaranteed – may have the (possibly unintended) effect of a recipe for inaction. However, the main problem for those who would like to see forcible humanitarian intervention on a principled basis remains one of 'indifference, narrowly defined national interest and lack of political will on the part of states'.⁴³

Sudan

This is all too apparent with regard to Sudan; there has been much discussion as to whether the situation in the Darfur region of Sudan should be categorised as one of genocide and as to the possible consequences of such a categorisation. In early 2003, at the same time that the settlement of the long-running civil war between northern and southern Sudan was in sight, there was a rebel uprising in Darfur, in western Sudan. In its response to the uprising in Darfur, the government was accused of supporting armed groups – commonly referred to as Janjaweed militias – in brutal repression of the rebels, involving use of government aircraft against civilians and mass displacement of peoples. Many thousands have been killed and many hundreds of thousands have been internally displaced and displaced into Chad.⁴⁴

Some UN officials began using the language of 'ethnic cleansing' in 2004.⁴⁵ But states generally avoided this, as they had in the case of Rwanda. The EU said that although there was widespread violence in the Darfur region it was not a situation of genocide.⁴⁶ The AU Assembly itself expressly held in July 2004 that 'even though the

⁴³ UN Press Release AFR/888, 7 April 2004.

⁴⁴ UN Press Release AFR/1005, 2 August 2004.

⁴⁵ *Keesing's Record of World Events* (2004), 45884.

⁴⁶ *The Guardian*, 10 August 2004.

humanitarian situation in Darfur is serious, it can not be defined as a genocide'.⁴⁷ The Security Council implicitly took the same line.⁴⁸ But the US Secretary of State, Colin Powell, in September 2004, after concurrent resolutions by the two Houses of Congress, indicated that the US was taking the position that there was genocide in Darfur.⁴⁹ The UN Secretary-General repeatedly stressed that, no matter how the crimes that are being committed against civilians are characterised or legally defined, it was urgent to take immediate action; there was a humanitarian crisis.⁵⁰ The Security Council was then, for the first time in its history, seized under Article 8 of the Genocide Convention. This provides 'Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide'. The Security Council passed Resolution 1564(2004) under Chapter VII by 11 – 0 – 4; this required the Secretary-General to appoint an international commission of inquiry to determine by the end of January 2005 whether acts of genocide had occurred, and to identify the perpetrators with a view to ensuring that those responsible are held accountable.⁵¹

The EU and the US were happy to see regional and sub-regional bodies play the leading role in Sudan: first the Intergovernmental Authority on Development (IGAD),⁵² then the African Union (AU), have played the primary role.⁵³ The plans for a UN peacekeeping mission referred to in Security Council Resolution 1547(2004) have not materialised.⁵⁴ The AU initially created a relatively small – 300 strong – force to monitor the *Humanitarian Cease-fire Agreement* signed between the parties involved in the Darfur conflict on 8 April 2004.⁵⁵ It later agreed to expand the force to 3,000, still with the consent of the government of Sudan.⁵⁶ The Security Council has welcomed the role of AU monitors to protect the cease-fire commission and the protection force.⁵⁷ It has called on member states to provide generous support for the efforts of the AU.⁵⁸ The AU itself has repeatedly called for financial and logistical assistance to sustain the AU mission.⁵⁹

But by December 2004 there were still only 800 troops and 100 military observers in the enhanced African Mission in Sudan (AMIS). The UN Under-Secretary-General commended AMIS for its proactive and positive role under increasingly

⁴⁷ Assembly of the AU, 3rd Ordinary session, 6–8 July 2004, (www.africa-union.org/DARFUR/homedar.htm).

⁴⁸ UN Press Release SC/8160, 30 July 2004.

⁴⁹ *Keesing's Record of World Events* (2004), 46105, 46188; *The Independent*, 10 September 2004.

⁵⁰ UN Press Release SG/SM/9484, 16 September 2004.

⁵¹ SC 5040th meeting, UN Press Release SC/8191, 18 September 2004.

⁵² UN Press Release SC/8120, 11 June 2004.

⁵³ *The Guardian*, 10 August 2004, 23 August 2004.

⁵⁴ UN Press Release SC/8120, 11 June 2004.

⁵⁵ *The Guardian*, 9 July 2004.

⁵⁶ UN Press Release SC/8206, 5 October 2004; *The Guardian*, 26 August 2004. The AU considered transformation of the Observer Mission into a full-fledged peacekeeping mission with the requisite mandate and size to ensure the effective implementation of the Ceasefire Agreement (AU Document, PSC/PR/Comm (XIII) para 9, 27 July 2004; UN Document S/2004/603, 27 July 2004). The request of the government of Sudan to the AU to increase its monitoring presence in Darfur was welcomed in SC Res 1564 (2004).

⁵⁷ UN Press Release SC/8160, 30 July 2004, SC Res 1556.

⁵⁸ UN Press Release SC/8104, 25 May 2004; UN Press Release SC/8120, 11 June 2004.

⁵⁹ AU Communique, PSC/PR/Comm.(XIII), UN Press Release SC/8195, 24 September 2004. Nigeria's President, the Chairman of the AU, stressed that the Darfur situation presented the Union with a huge undertaking of command and control, in a magnitude it had never undertaken before.

challenging circumstances with limited resources. But the security situation was deteriorating.⁶⁰ The AU had run into great difficulties in securing and deploying an adequate force. In December the Security Council reiterated their full support to the AU efforts and called for an expeditious and full deployment of the African force. In this regard they invited the Secretariat to consider 'further steps to galvanise and facilitate the rapid deployment of the force'.⁶¹ At the same time that the AU was experiencing great difficulty and serious delay in providing an adequate force for Sudan, Somalia also called for a substantial AU force of 20,000 to be sent to help its government restore order throughout its territory.⁶² The continuing problems involved in securing a military response to a humanitarian emergency in Africa are very apparent.

Europe and the use of force in Africa

The pattern which has emerged in practice over the years since the end of the Cold War with regard to peacekeeping and enforcement practice in Africa under the UN Charter is that most developed states, including European states, do not now provide substantial numbers of troops for UN peacekeeping operations in Africa.⁶³ However, European states contribute in other ways.

'Coalitions of the willing'

First, they undertake Chapter VII member state operations as 'coalitions of the willing' in Africa. These have been created (1) after a UN force has proved unable to act effectively because of limited resources. Thus in *Operation Artemis*, the EU's first military operation outside Europe, a 1,500 strong EU-led member state force was sent into the Ituri province of the DRC in 2003 when rival militias endangered the life of civilians. The conflict in the DRC had begun in 1998 after the overthrow of President Mobutu when several neighbouring states, including Uganda and Rwanda, intervened in the internal conflict in the DRC; the prolonged conflict was fuelled by the resources of the DRC as the warring parties exploited those resources to pay for their participation in the conflict. Although Uganda and Rwanda eventually withdrew their troops from the DRC in 2002 they left behind armed militias which continued the battle over resources. In particular, armed conflict continued in the mineral-rich Ituri province. The UN peacekeeping force established after the 1999 Lusaka peace agreement (MONUC) was too small to carry out the mandate assigned to it by the Security Council and proved unable to stop the fighting and protect the civilians in the Ituri province. The EU-led *Operation Artemis* was expressly created as a 'strictly temporary' operation; the Security Council in Resolution 1484 authorised

⁶⁰ SC 5094th meeting, UN Press Release SC/8262, 7 December 2004.

⁶¹ UN Press Release SC/8247, 21 December 2004.

⁶² UN Press Release SC/8148, 14 July 2004.

⁶³ UN Press Release DSG/SM/216, 30 March 2004 (with the limited exceptions of Ireland which has provided troops in Liberia, and Sweden for the DRC).

its deployment in May 2003 until 15 September 2003. It was then replaced by a reinforced MONUC.⁶⁴

Also (2) 'coalitions of the willing' have been created to prepare for a UN operation, as with the French-led multinational force in Liberia in 2003. Charles Taylor had been elected President in 1997 after a lengthy civil war, but the election did not bring stability. Other states accused President Taylor of intervention in neighbouring states, including Sierra Leone, and the Security Council imposed sanctions on Liberia in 2001. Armed opposition to President Taylor built up in 2002 and he was indicted by the Sierra Leone Special Court for war crimes committed during the civil war in Liberia. There was a serious breakdown of law and order; opposition forces seized control of much of the country and the disintegration of Liberia seemed imminent. President Taylor, under pressure from the USA and France, agreed to stand down and a cease-fire was agreed. The Security Council, after the departure of President Taylor, finally passed Resolution 1497 authorising member states to establish a multinational force to support the implementation of the cease-fire agreement, to establish security and to prepare for the arrival of a longer term, 15,000 strong UN force.

Also in Côte d'Ivoire, after an attempted coup in September 2002, the UN authorised the French troops of *Operation Licorne* (together with a sub-regional ECOWAS force) to operate in Côte d'Ivoire until a UN force could be deployed. After the parties involved in the conflict had concluded the January 2003 *Linass-Marcoussis* peace agreement, the Security Council in Resolution 1464 (2003) welcomed the deployment of the ECOWAS forces and French troops with a view to contributing to a peaceful solution of the crisis and the implementation of the peace agreement. Acting under Chapter VII of the UN Charter, it authorised France and the member states of ECOWAS to take the necessary steps to guarantee the security and freedom of their personnel and to ensure the protection of civilians. This authorisation was continued until the establishment of a UN force, UNOCI, in April 2004.⁶⁵ After that date French troops were authorised to 'use all necessary means in order to support UNOCI' in accordance with an agreement to be reached between UNOCI and the French authorities.

It has been suggested that as the EU's first military mission outside Europe, *Operation Artemis* marked the start of a new military role for the EU. The EU had earlier undertaken a smaller, preventive operation in Macedonia where it took over from a NATO force, at the invitation of the government.⁶⁶ The EU has also taken over from SFOR, the NATO force in Bosnia and Herzegovina in 2004; the Security Council in Resolutions 1551 (2004) and 1575 (2004) welcomed this development.⁶⁷ But suggestions that there could be a similar EU force sent to Sudan in 2004 were not implemented.⁶⁸

This possible new role for the EU – of providing a fast-response vanguard force, authorised by the UN under Chapter VII – was devised under a French, German, Italian and UK proposal of February 2004. The EU was to hold ready a permanent pool of troops to provide up to nine battle-groups of 1,500 available for deployment

⁶⁴ UN Press Release SC/7862, 3 September 2003.

⁶⁵ SC Res 1527, SC Res 1528.

⁶⁶ *Keesing's Record of World Events* (2003), 45312, 45759.

⁶⁷ UN Press Release SC/8144, 9 July 2004; *Keesing's Record of World Events* (2004), 46134.

⁶⁸ 'EU-led forces could intervene in Sudan conflict', *The Financial Times*, 12 April 2004.

at short notice to quell conflict beyond EU boundaries, in support of operations mandated by the UN.⁶⁹ This may well prove a more important contribution to international peace and security than more ambitious attempts at a common EU defence and security policy. The plan specifically refers to the need for units to deploy quickly to African hotspots. The UN has urged that NATO should also undertake such a role. The Secretary-General has said that NATO's increasing willingness to 'go global' presents important opportunities, in particular for Africa. NATO might be employed in a peace enforcement role, much as the EU deployed *Operation Artemis* in the DRC as a bridging force before the deployment of a UN operation.⁷⁰

Assistance to governments

Second, European states also provide assistance to governments in Africa, often under the guise of protecting their nationals, but in reality sometimes going beyond this. It is interesting to note that there seems to have been a shift of attitude to European military intervention since the end of the Cold War, in that when a breakdown in order occurs in a former African colony there are now commonly calls to the former colonial power to intervene. This would seem to suggest that there is now rather less suspicion of their motives than existed formerly.⁷¹

The best known recent operations include those of the UK in Sierra Leone and of France in Côte d'Ivoire. The UN encountered difficulty in securing enough troops for UNAMSIL, its peacekeeping force in Sierra Leone, and the UN force ran into serious problems in May 2000 when hundreds of its troops were taken hostage by opposition forces. The UK was not willing to provide troops to UNAMSIL, but it did provide troops to assist the government of Sierra Leone and to provide logistical and intelligence assistance to the UN force. Thus the UK was willing to intervene but not to submit its troops to participation in the UN multilateral force.⁷²

Similarly, France intervened in Côte d'Ivoire after the September 2002 coup attempt. French troops were already present in the country as they had remained there since its independence in 1960. France offered a mixed justification for its intervention; it claimed to be using its troops to protect its own nationals. But it also claimed that its mission included assistance to the government. It gradually moved in extra troops to expand *Operation Licorne* to a total force of 4,000.⁷³ This intervention aroused some suspicion as to the true motives of the French government in Côte d'Ivoire and anti-French riots broke out; some doubt was expressed as to whether France was really neutral in the conflict or whether it was actually providing assistance to the rebels in order to put pressure on the government.⁷⁴ But the UN Security Council consistently supported the French intervention. When government forces attacked opposition and French forces in apparent violation of the cease-fire

⁶⁹ UN Press Release DSG/SM/216, 30 March 2004; EU Presidency Statement – Special Committee on Peacekeeping, 17 March 2004.

⁷⁰ UN Press Releases SG/SM/9188, 8 March 2004; SC/8153, 20 July 2004; UN Press Release GA/PK/181, 30 March 2004.

⁷¹ *International Herald Tribune*, 21 May 2003.

⁷² Gray, *International Law and the Use of Force*, p. 245, n. 175.

⁷³ *Keesing's Record of World Events* (2002), 44968, 45131, 45126; (2003), 45231; (2004), 45775.

⁷⁴ *The Guardian*, 8 July 2004; *Keesing's Record of World Events* (2003), 45175, 45731.

in November 2004, France responded by destroying the small Côte d'Ivoire air force. The Security Council clearly took the side of France; it showed no concerns over French impartiality or doubts about its motives. It condemned the attack by the government of Côte d'Ivoire; it confirmed that the French forces and UNOCI were authorised to use all necessary means to fully carry out their mandate in accordance with Security Council Resolution 1528 and expressed full support for the action taken by the French forces.⁷⁵ It also imposed an arms embargo on Côte d'Ivoire in Resolution 1572 and threatened further sanctions.

Assistance to regional and sub-regional organisations

Third, the UN has turned to regional and sub-regional organisations to take the lead in certain conflicts, to provide peacekeeping forces and undertake Chapter VII actions, especially in Africa. European states have been happy that these regional and sub-regional organisations should take the lead. Instead of the provision of troops and direct involvement the European states have provided financial assistance to the regional organisations for particular operations, as well as military training and general financial assistance. The EU has undertaken many initiatives designed to assist African states to improve their peacekeeping capacity. It has adopted a policy on Enhancing African Peacekeeping capacity, and is helping in creating an African standby force.⁷⁶ In 2004 it created the EU Peace Facility for Africa at the request of the AU to strengthen the capacity of the AU to engage in peace support and peacekeeping operations; there is a new focus on capacity building and training of African troops.⁷⁷ The EU has adopted a superficially attractive rhetoric of a 'partnership of equals' between European and African states: this may be seen as reflecting a genuine desire to move away from neo-colonial intervention or alternatively as masking a desire to avoid direct involvement in UN operations in Africa.

Thus the sub-regional organisation ECOWAS, in particular, has played an important role in recent years. It took on a crucial role in Sierra Leone, Liberia and Côte d'Ivoire. But in all these operations it ran into financial difficulties. In Côte d'Ivoire the Secretary-General sought additional financial assistance from developed states.⁷⁸ In January 2004 he reported that ECOWAS did not have enough resources and therefore sought transformation into a UN force.⁷⁹ This took place and UNOCI was established under Resolution 1528 as from 4 April 2004. Similarly the AU has run into resource and financial problems as it has attempted to play the major role in African peacekeeping. It lacked the resources to support its first peacekeeping mission in Burundi. The AU and Burundi accordingly called for its replacement by a UN mission.⁸⁰ In May 2004 this was finally set up.⁸¹ In Sudan the AU has taken

⁷⁵ UN Press Release SC/8239, 6 November 2004.

⁷⁶ EU Presidency Statement – Special Committee on Peacekeeping, 29 March 2004 (Ref: PRES04-035EN); see also UN Press Release GA/SPD/298, 26 October 2004, Netherlands on behalf of the EU.

⁷⁷ EU Presidency Declaration on Africa and the African Union, 6 July 2004 (Ref: CL04-135EN); UN Press Release GA/PK/182, 19 April 2004; UN Press Release SG/2092, 5 October 2004.

⁷⁸ UN Press Release SG/SM/8679, 30 April 2003; UN Press Release SC/7745, 30 April 2003.

⁷⁹ Secretary-General's Report, S/2004/3, 6 January 2004, paras 48, 50, 61. The UK committed £4 m to the West African peacekeeping effort in Côte d'Ivoire, FCO Press Release, 21 April 2004.

⁸⁰ UN Press Release SC/8001, 17 February 2004.

the lead in sending a force into Darfur, but it depends on financial assistance from developed states to carry out its role of protection for the cease-fire monitors in Darfur and oversight of the cease-fire agreement. The UK and the EU have provided substantial financial aid.⁸² This was the first mission supported by the EU Peace Facility for Africa.⁸³

In UN debates in 2004 the language often used in talking of conflicts in Africa is that of the need for African states to 'take ownership' of African conflicts and their settlement. But some are suspicious of this rhetoric and of any wholesale subcontracting of peacekeeping in Africa to regional bodies. In the 2004 debate of the Fourth Committee of the UN General Assembly a clear split was apparent between, on the one hand, those developed states stressing the increasing roles of regional organisations and using the language of 'partnership' between developed states and Africa and of 'ownership' and, on the other hand, certain developing states calling on developed states to provide troops for UN operations.⁸⁴ Thus, for example, Japan argued that it was essential that the governments and peoples of a region affected by conflict establish 'ownership in the area of peace and security'. Outside assistance would be designed to raise the level of ownership. The most appropriate approach was to utilise regional and sub-regional organisations. In contrast, Cameroon and Jordan argued that developed states should contribute their share not only of resources but also of troops.⁸⁵ An active role by regional organisations should not absolve the UN of its responsibility for peacekeeping.⁸⁶ The Secretary-General, while supporting the use of regional organisations in cases where they can be on the ground much faster than the UN,⁸⁷ and while giving examples of cooperation, has also said that not all regional organisations could sustain their deployments over a long period. And the legitimacy that flowed from UN operations was often needed for longer-term sustainability.⁸⁸

To recap – the pattern that emerges is that developed European states do not generally themselves provide troops for UN peacekeeping operations in Africa, but they do offer financial assistance to regional organisations and take limited Chapter VII action when authorised by the UN. However, there are still calls from the UN and from many developing states for developed states – and in particular EU states – to play a more direct role in UN peacekeeping, to provide troops. The Deputy Secretary-General has said 'as EU member states you have a unique capacity to field the well-equipped, well-trained and proficient troops that form the glue of any successful peacekeeping operation . . . It is clear that if rising demands for peacekeeping are to be met, EU member states will need to raise their commitment substantially.'⁸⁹

⁸¹ SC Res 1545 (2004).

⁸² Communiqué of 13th meeting of AU Peace and Security Council, 27 July 2004, PSC/PR/Comm (XIII); UN Press Release SC/8153, 20 July 2004; *The Guardian*, 5 June 2004. Concern has been expressed at a move within the OECD to redefine spending on peacekeeping missions or training foreign armies as development aid (*The Guardian*, 15 December 2004).

⁸³ UN Press Release GA/SPD/298, 26 October 2004.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ See, for example, the arguments by South Africa, Côte d'Ivoire and Burundi, UN Press Release GA/SPD/181, 30 March 2004, and UN Press Release SC/8095, 17 May 2004.

⁸⁷ UN Press Release SC/8153, 20 July 2004.

⁸⁸ *Ibid.*

⁸⁹ UN Press Release DSG/SM/216, 30 March 2004.

The accusations of double standards – that developed states care more about other European states than about Africa – have become familiar ever since the comparison was drawn between the UN response to events in the former Yugoslavia and that to the conflict in Somalia. The UN Deputy-Secretary-General has subsequently contrasted the willingness of European states to create large Chapter VII forces in Bosnia and Kosovo with their reluctance to create any similarly large scale Chapter VII operation in Africa.⁹⁰ The three limited member state operations in Africa authorised under Chapter VII were clearly unlike the major and prolonged member state operations in Europe – in Bosnia and Kosovo – and that in East Timor.

But is this really an cause for concern? The UK Foreign and Commonwealth Office in considering ‘why Africa should matter to us’ set out the following case.⁹¹ The first reason for concern is moral: the war, famine and disease that have haunted Africa for much of the twentieth century are simply unacceptable in today’s world. Africa is the only continent to have grown poorer in the past 25 years; its share of world trade has halved; it received less than 1 per cent of direct foreign investment. But apart from any moral case, ‘a more prosperous, stable and peaceful Africa would benefit not only Africa, but the whole world’. There are also reasons of strong self-interest why Africa matters; the UK Foreign Office Minister resorted to quoting Trotsky: ‘You may not be interested in war, but war is interested in you’. That is, he warned that ‘if we are not interested in Africa, the threats it poses – terrorism, illegal immigration and instability – are an even greater danger to us’. He said that there had been more Al Qai’da attacks in Africa than anywhere else. Also ‘failed states’ like Somalia were a breeding ground for terrorism.⁹² Finally, the Minister also invoked reasons of ‘energy security’, (that is, oil and gas supplies) for being concerned over events in Africa. There is now increasing awareness of the growing importance of African oil supplies.⁹³

Legal questions about multilateralism and legitimacy

The question arises from the pattern described in the previous section whether the desire of developed states not to get directly involved in UN peacekeeping in Africa has any *legal* consequences? The reluctance of European states to participate in UN peacekeeping in Africa, and their apparent preference that regional organisations should play the main role, leads on to questions about the duties of member states and the nature of multilateralism – a topical and important question at a time when a lot of critical attention is rightly being paid to the unilateralism of the US and the UK in the context of Iraq. This practice also leads to questions about the interpretation of Chapters VII and VIII of the UN Charter.

⁹⁰ UN Press Release DSG/SM/214, 20 February 2004; UN News Service, 27 January 2004, ‘Rising Demand for Peacekeeping Stretches UN’s Resources, Fréchette Says’.

⁹¹ FCO News, PM launches Commission for Africa, 26 February 2004; FCO Minister’s Address to the Centre for International Studies and Research, 24 February 2004.

⁹² Somalia has now been accused of tolerating the operations of those responsible for the November 2003 bomb attack on the hotel in Mombasa, Kenya. *Keesing’s Record of World Events* (2003), 45682.

⁹³ BBC News, How Important is African Oil?, 7 September 2003, (news.bbc.co.uk/go/pr/fr/-/2/hi/business/3054948.stm).

An increased role for troop-contributing countries

First – it seems that troop contributing countries (TCCs) from developing states which do provide troops for UN peacekeeping operations are increasingly arguing for a new, stronger role in Security Council decision-making on peacekeeping. This question of the proper role of TCCs was a significant feature of the *Brahimi Report*; there has subsequently been significant progress under Security Council Resolution, in increasing mechanisms for consultation between the Security Council and TCCs over the establishment of the mandate of a peacekeeping force and also in making any subsequent changes in that mandate, or the size of the force or the strategy to be followed. But major TCCs like India, South Africa and Egypt are pushing for a greater role; this may be seen as a challenge to the primary role of the Security Council in controlling peacekeeping operations.⁹⁴ While developed states members of the Security Council do not themselves participate in peacekeeping operations, claims will continue to be made by TCCs not just for consultation but for participation in decision-making. This also fuels calls for a change in the membership of the Security Council, to include more developing states. The High Level Panel set up by the UN Secretary-General could not agree on this issue which has proved intractable over many years of intense debate within the UN; the Panel could only agree to propose two alternative models for an increase in the membership of the Security Council in order to make it more representative.⁹⁵

A reinterpretation of Chapter VIII of the UN Charter

Second, has the reliance by developed, including European, states on an increased role for regional and sub-regional organisations in peacekeeping and enforcement action brought with it a change in the interpretation of Chapter VIII of the UN Charter on regional action? The question has arisen whether, in their desire not to play a direct role in peacekeeping in Africa, developed states might be willing to rewrite the Charter, specifically to accept a more flexible interpretation of Article 53 on regional action to allow regional organisations greater autonomy and wider powers to use force. Article 53 expressly requires Security Council authorisation for enforcement action by regional agencies.

Some legal scholars make radical claims on the basis of the ECOWAS action in Sierra Leone and, even more controversially, on the basis of the NATO action in Kosovo.⁹⁶ It is argued that the use of force for the restoration of democracy/humanitarian aims does not need prior Security Council authorisation; implicit *ex post facto* approval by the Security Council is enough under Article 53, not just in exceptional cases but as a general rule. But there are legal problems with such arguments.⁹⁷ First, they seem to over-interpret state practice: they read too much into

⁹⁴ UN Press Releases GA/PK/180, GA/PK/181, 29 and 30 March 2004.

⁹⁵ Report of High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility* (2004), at para. 244.

⁹⁶ Franck, *Recourse to Force* (2002), at p. 155.

⁹⁷ De Wet, *The Changing Chapter VII Powers of the United Nations Security Council* (2004) ch. 7. On policy grounds it seems undesirable to pursue the imposition of democracy by force. It has to be doubted whether democracy can be successfully established by force in the light of the experience of Kosovo, Haiti, Iraq and Afghanistan.

these two episodes of Sierra Leone and Kosovo. In fact ECOWAS made only limited assertions of a right to use force – in self-defence and as authorised by the Security Council. And the Security Council response was articulated in general and ambiguous terms. In the face of this practice it seems to be going too far to argue for a change in the interpretation of the Charter – a change that was not acceptable during the Cold War when the US made similar arguments for a wide interpretation of the right of regional organisations to use force with regard to OAS action in regard to Cuba and the Dominican Republic.⁹⁸ There is a familiar division between commentators on this issue, between those who focus on what states actually say in legal justification and those who focus on what they might have said or should have said by way of legal justification.

Second, this approach of reinterpreting Article 53 distorts the Charter scheme for the relation between the UN and regional bodies, and is not acceptable to states such as China, Russia, Germany, Iran and South Africa which have gone out of their way recently to reassert the need for Security Council authority for regional enforcement action.⁹⁹ Also, ever since *Operation Desert Storm* provoked criticism that the Security Council had gone too far in abandoning control of the coalition operation against Iraq after its invasion of Kuwait, the Security Council has consistently manifested concern that it should exercise some control over Chapter VII operations by ‘coalitions of the willing’. It imposes time limits for operations and requires reports to the Security Council. It is hard to reconcile this approach with a less strict approach to regional action. Why should the Security Council abandon control to regional organisations in a way it is not willing to do in the case of express Chapter VII authorisations to coalitions of the willing?

Third, this – the experience of Sierra Leone and Kosovo – seems to be a rather limited amount of practice on which to base such a radical change in the interpretation of the UN Charter. Subsequent practice does not provide any support for such an approach to Article 53. Thus the Security Council has not consistently concerned itself with democracy; it has allowed or connived in the overthrow of democratically elected governments in Haiti, Georgia, Liberia, the Central African Republic and elsewhere. Also it has in subsequent episodes followed what might be seen as the traditional approach to Article 53; in 2003 it expressly authorised Chapter VII action by regional organisations in Côte d’Ivoire and Liberia.

Multilateralism and legitimacy

Throughout this article contrasting notions of legitimacy are apparent. Developing states, international officials and the UN High Level Panel have all called on European and other developed states to contribute more troops to UN operations, especially to those in Africa. Underlying this call for resources is the view that member states on the UN have a duty to operate multilaterally. There is a clear challenge to the legitimacy of the developed states’ preference to retain autonomy

⁹⁸ Akehurst, ‘Enforcement Action by Regional Agencies, with Special Reference to the Organization of American States’, 42 *BYIL* (1967), p. 175.

⁹⁹ UN Press Release SC/8153, 20 July 2004; UN Press Release GA/PK/181, 30 March 2004; UN Press Release SC/7724, 11 April 2003.

with regard to the nature of their participation in the maintenance of peace and security in Africa. And the reluctance of European and other developed states to supply troops for UN peacekeeping operations has lent strength to the arguments of those who seek a fundamental reinterpretation of the UN Charter to shift power away from the Security Council.

Thus we are left with the increasingly important question: how far is it legitimate for developed states to pay their peacekeeping contributions, to provide commanders and perhaps logistical support and transport, but not to provide significant numbers of actual troops for UN operations? For those who argue that there is an emerging 'responsibility to protect' in the context of *unilateral* humanitarian intervention in cases where the Security Council is unable to act because of the veto, the question arises: is there not an even stronger duty to contribute to UN operations when called on, especially where they are designed to prevent genocide or other humanitarian disaster? That is, for those who profess concern over humanitarian catastrophe is there not a duty not only to act unilaterally but also to enable the UN to act effectively?

For those states such as France and Germany which were (rightly) critical of the USA and the UK over the invasion of Iraq, and which strongly stressed the duty to act through the UN, the question is how far this commitment to multilateralism goes. In their opposition to *Operation Iraqi Freedom* they accused the US and the UK of violation of the UN Charter and of failure to respect the role of the Security Council under Chapter VII. However, they do not seem very willing themselves to take a multilateral approach: there are clear limits to their own commitments to UN rather than unilateral action, in that they make only very limited contributions of peacekeeping forces.

During the Cold War the UN deliberately chose not to use troops from permanent members in peacekeeping operations in order to maintain the appearance of impartiality and to avoid the danger that Cold War conflicts would affect peacekeeping. There was then a brief period during the first surge in peacekeeping in the 1990s when the troops of permanent members played a crucial role. But now these and other developed states clearly prefer to subcontract UN and regional peacekeeping to developing countries; they prefer not to provide troops for UN peacekeeping. Although in undertaking Chapter VII operations in Africa they may claim to be acting multilaterally, they retain greater autonomy in such operations than in UN peacekeeping. And again where they provide assistance to governments or to regional or sub-regional organisations they obviously retain greater autonomy.

For European states this is apparently seen as a legitimate division of functions, possibly reflecting the view that the lives of European soldiers are worth more than those of troops from developing states, as well as a mistrust of UN command. But in the short term the recent surge in peacekeeping has made it clear that the direct participation of developed states is necessary for effective UN peacekeeping. In practical terms the rhetoric of 'partnership' and 'ownership', however attractive, is no substitute for multilateralism. At a time when serious consideration is being given to a radical cutting back of UN peacekeeping operations, the competing notions of legitimacy of developed and developing states have significant practical consequences.