

Quest for Humanization of Security and Development Paradigms: Analysis of Landmarks in the ONUC Humanitarian Activities

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Abstract

The incredible destructive capacity of weaponry in the course of two world wars has made eruption of new world war synonymous with the extinction of the human race. Therefore the human race is endeavoring to avoid wars by shifting international efforts to resolve conflicts from mostly military solutions to a more inclusive approach. Here is the origin of the world's quest for humanization of Security and Development paradigms.

Creation of the UN was a landmark in humanization of Security and Development paradigms, and the UN Peacekeeping Operations (UNPKOs) implement humanitarian activities within that framework. Humanitarian activities of UNPKOs form the junction between the UN responses to humanitarian concerns and to political and security-related challenges. Therefore study of those activities is beneficial to investigate whether Security and Development paradigms are in process of humanization. Proper assessment of past experiences and learning from them becomes crucial within the analysis of UNPKOs, and landmarks of their humanitarian activities must also be revisited.

The tragedy of conflict in the Democratic Republic of the Congo (DRC) compelled the Author to analyze the humanitarian activities of the UN PKO in the Congo (ONUC) in terms of increasing contribution of UNPKOs to humanization of Security and Development paradigms. We do not assert that humanitarian activities of ONUC radically advanced it. As a global and long-term process, such humanization is infinitely broader than any particular UNPKO. For that reason we wanted to reveal the facts of ONUC humanitarian activities which reflect that humanization and illustrate its limitations. The relationship between those activities and the will of parties for reconciliation is especially important. These experiences suggest that the ONUC case highlighted the principal political limitation to UNPKOs' humanitarian activities: Those activities may support but do not substitute for peace consolidation. They can adequately address humanitarian concerns only when local conflicting parties wish peace and external actors refrain from exploiting the situation. These summarized conditions are also very important within the wider humanization of Security and Development paradigms. The ONUC experience clearly illustrates the hopelessness of advancing such qualitative change without the maintenance of basic principles of UN peacekeeping: impartiality, consensual character and the non-utilization of military force by UNPKOs except in self-defense.

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. Introduction

“The humanitarian ethic is an ancient and resilient conviction that it is right to help anyone in grave danger. This deeply-held value is found in every culture and faith, as well as in the political ideology of human rights.”¹ The influence of the humanitarian ethic upon international relations adds to that power. The incredible destructive capacity of weaponry developed in the course of two world wars has made eruption of new world war synonymous with the extinction of humans. Therefore the human race is endeavoring to avoid wars by shifting international conflict resolution efforts from mostly military solutions to a more inclusive approach. Accordingly, settlements are to deal with economic, cultural, humanitarian, social and other aspects of conflicts. The socioeconomic issue of making global development more comprehensive becomes central within that approach. This is the origin of the world’s quest for humanization of Security and Development paradigms.

After the Second World War those concerns influenced establishment of the United Nations (UN). The distinctly humanitarian aspiration “to save succeeding generations from the scourge of war” was at the heart of that initiative. Therefore this was stated in the opening of the UN Charter and sustained by mandating the UN with activities to establish conditions of stability and well-being necessary for friendly relations among nations. Those requirements were: “... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ... and to promote social progress and better standards of life in larger freedom”.²

Therefore creation of the UN is a landmark in the humanization of Security and Development paradigms. Provisions of the UN Charter also spelled out the strategic basis for the UN humanitarian activities. The UN tackles massive movements of displaced populations; works against epidemics and hunger; leads the way in international efforts to eradicate slavery; mobilizes and brings emergency relief to victims of disasters; presses the parties of hostilities for adherence to the protection of civilian populations; encourages and supports vulnerable social groups; and fosters humanitarian values by strengthening educational, scientific, cultural and information ties between nations. Within this framework the UN tries to minimize loss of lives caused by hostilities, and the UN Peacekeeping Operations (UNPKOs)³ are implementing humanitarian activities for that purpose.⁴

Humanitarian activities of UNPKOs must be realized in accordance with principles of humanity, impartiality and neutrality.⁵ Therefore they have to be the least subjected to political influences and pressures compared with other aspects of UNPKO functioning. In terms of scope, those activities may fulfill general and sectoral tasks. The tasks present in the course of all humanitarian activities of UNPKOs may be considered general. These tasks include: creating a sense of security among civilian population by means of various humanitarian protective activities, coordination of work between UNPKO civilian personnel and PKF as well as between UNPKOs and other humanitarian organizations, and logistics-related activities. Sectoral activities respond to concrete concerns:

assistance with basic food, nutrition and shelter, assistance to refugees, internally displaced persons (IDPs) and returnees; humanitarian aspects of demobilization, demining, water, health and sanitation, renewal of basic education, and attempts to promote the application of international humanitarian law by rival factions and by the UNPKO's personnel itself.

In an immediate timeframe, UNPKO humanitarian activities have to respond to pressing humanitarian concerns. In a longer prospective, those activities have to address the "vicious circle" of extreme poverty and hostilities.⁶ Thus, the humanitarian activities of UNPKOs have explicit principles and contents of action, distinguishing them from other functions of UNPKOs. Those activities have to alter the logic of hostilities by returning affected areas to development and to support international peace-building efforts. Respectively, humanitarian activities of UNPKOs form the junction of the UN responses to humanitarian concerns and to political and security-related challenges. Therefore study of those activities is beneficial in terms of finding if Security and Development paradigms are in process of humanization.

This issue stands on the agenda of the world. As the UN GA convened the Millennium Summit of Heads of State and Government to articulate a vision for the Organization at the arrival of new millennium,⁷ since 1999 the UN Secretariat has been undertaking fundamental review of UNPKOs in order, among other reasons, to increase their contribution to humanization of Security and Development paradigms.⁸ These issues are most comprehensively analyzed in the "Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda"⁹ and in the "Report of the Secretary-General Pursuant to General Assembly Resolution 53/35 - The Fall of Srebrenica."¹⁰ Both documents confirm that humanitarian activities suffer the most from inadequate sustainability of UNPKOs.¹¹ Thus, humanization of Security and Development paradigms strongly depends upon better sustainability of UNPKOs.

. Landmark UN involvement in the Congo

Proper assessment of past experiences and learning from them becomes therefore crucial within the analysis of UNPKOs, and landmarks of their humanitarian activities also have to be revisited. The UNPKO deployed in Congo in the 1960s was such a landmark case.¹²

Against the backdrop of liberation of African peoples from the West European colonial yoke, Congo gained independence from Belgium on 30 June 1960, and the Belgian military mostly withdrew.¹³ The Congolese government and Congolese National Army (ANC)¹⁴ took over responsibilities for maintaining security. However, during the first two weeks of independence the inexperienced governing politicians lost control over affairs of state. Regions began to secede, and mutiny of ANC ensued across the country. Under these conditions, Belgium briskly returned its military to Congo. The deployment, said to protect West European expatriates, commenced on 10 July 1960 without consent of the Congolese government. Seeing no major threat to foreigners and therefore utterly

insulted by demonstration of Belgian superiority, the Congolese government was nevertheless too weak to keep out the Belgian forces. The government was also falling into discord and tribal squabbles. Because of that it did not elaborate firm political priorities and became unable to find a definite source of external military assistance. Instead, it called upon both the USA and the USSR for help. Provocation of such rival involvement undermined international peace and security. Therefore UN S-G D. Hammarskjöld obtained from the SC the authorization for establishment of UNPKO in Congo in order to keep the peace.

French is the dominant language in that region, and the operation was designated by its French acronym ONUC.¹⁵ It was deployed from July 1960 to June 1964 and represents an inspiring object for academic analysis. In comparison with recent UNPKOs, the general experience of ONUC may be considered more objectively. Besides, ONUC humanitarian activities are worthy of revisiting since conflict in Congo seems to be one of the most complex and intense in the world,¹⁶ and the humanitarian situation in Congo is appalling. According to a report of the International Rescue Committee, the phase of war in Congo from August 1998 to April 2003 was the worst in the world since World War II in terms of casualties, as some 3.3 million people perished.¹⁷ Suffering has spread across the borders and is depriving Africa of sustained development.¹⁸ Hostilities internationalized to the point of being characterized as Africa's "First World War"¹⁹ and triggered deployment of another UNPKO in Congo - the MONUC.²⁰ Despite this effort, political violence, threat of major war and humanitarian disaster persists, and securing lasting peace still represents an acute challenge for the humanitarian ethic and beyond.²¹

This tragedy in Congo compelled the author to analyze humanitarian activities of ONUC in terms of increasing contribution of UNPKOs to humanization of Security and Development paradigms. We do not assert that humanitarian activities of ONUC radically advanced such paradigms. Being a global and long-term process, humanization of paradigms is infinitely broader than any particular UNPKO. Therefore we wanted to reveal the facts of ONUC humanitarian activities which reflect that humanization and illustrate its limitations. The relationship between those activities and the will of parties for reconciliation is especially important in this respect. Analysis provides a complement to recent findings of biased behavior by ONUC personnel, undermining peace consolidation,²² by returning the attention to creative features of ONUC, which may have balanced those abuses.

ONUC was spectacular and had both dark and bright days. UN political organs and Secretariat characterize it as milestone in the evolution of UNPKOs,²³ and despite differences in views, authors of relevant studies also agree on this point. ONUC is unique in size of deployment area, manpower,²⁴ mandate and functioning.

Prior to ONUC, UNPKOs had diverse scales, but the same fundamental nature.²⁵ Established under threat of nuclear war between the great powers, UNPKOs interposed hostile troops in order to forestall expansion of regional hostilities into larger confrontations.²⁶ They were deployed after rival

parties had ended their hostilities by cease-fire, in order to contribute to maintenance of status quo. Administrative structure of UNPKOs was shaped around UN Peacekeeping Forces (PKF) PKFs monitored observation of cease-fires by rival parties and reported results to the UN Secretariat. Impartiality of PKFs had been crucial for implementation of UNPKOs mandates, and they were not authorized to utilize military force except in self-defense and therefore used to be provided with only light defensive weapons.²⁷

The UN Secretariat based ONUC on these realities and maintained their importance.²⁸ However, because of the complicated internal situation in Congo, by resolution S/RES/143 (1960) on 13 July 1960 the SC authorized the S-G to mandate planned UNPKO with objectives of unmatched broadness. However, the relevant provisions were not precise. SC decided to relinquish daily control over the crucial initial stages of ONUC and “...to authorize the Secretary-General to take the necessary steps, in consultation with the Government of ... Congo, to provide the Government with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks.”²⁹ According to ensuing provisions, steps to be taken by the S-G were: to assist the Congolese government in maintaining law and order, to ensure complete withdrawal of Belgian forces from Congo³⁰ and to provide technical assistance to the Congolese government.

The latter point is crucial in considering the contribution of ONUC to the humanization of Security and Development paradigms. The spirit of “technical assistance” of ONUC activities had been comprehensively outlined by S-G in first relevant report to the SC and then by UN political organs, in above-mentioned SC resolution and by the IV Special Session of the UN GA.³¹ Besides, the negotiated pattern of “technical assistance” by the ONUC to Congolese government highlights significant advancement in humanization of the Security and Development paradigm and in addressing security-related concerns through development efforts.³² Firstly, during negotiations with the UN Secretariat, concerning functioning of ONUC, the Congolese government applied mainly for “technical assistance” of a military advisory character. In particular, it requested assistance in developing the national army for the twin purposes of defense and the maintenance of law and order’. The Congolese government also requested “urgent technical assistance in the field of developing the security administration of the Country”.³³

Thus, the government prioritized military and security-related dimensions within its vision of external “technical assistance” to Congo, while similar contemporary efforts focus upon a more inclusive approach to strengthening the state institutions. Developmental and humanitarian activities are the essential element in such contemporary efforts.³⁴

Secondly, relevant documents suggest that prior to independence of Congo, UN Secretariat personnel recognized the need to make UN “technical assistance” to that country more

comprehensive. According to Hammarskjöld, that idea included provision of expertise in order “to avert colossal socioeconomic problems.”³⁵ However, ONUC’s “technical assistance” remained focused upon security solutions and in this respect became entangled with another unprecedented task of ONUC: assistance to the Congolese government in maintaining law and order.

Thirdly, we now know that the law and order aspect of ONUC activities became the most demanding involvement of that UNPKO. Havoc in the Congo scarcely has contemporary parallels in overall extent and afflictions to civilian population, and disruption of law and order remains at the forefront of events. Therefore proper assessment of that pioneering work of ONUC deserves further study. The emphasis here is on essentials.

The havoc appears to be rooted in regional separatism and tribalism.³⁶ Tribalism in Congo, in turn, was and remains complicated by deficiencies of economy and obscured by struggle of foreign interests for domination over lucrative extracting industries.³⁷ This situation demonstrated to governments of other decolonized states that maintenance of law and order must become a central priority, and that it should be achieved not just by means of security-related responses, but through better governance in economic and social spheres. The tragic history of Congolese havoc may be regarded as precursory to the analysis of contemporary developmental studies.³⁸

Fourthly, combination of “technical assistance” and assistance in maintenance of law and order provided ONUC with an opportunity for encouraging attempts at state consolidation and resembled peace-building initiatives of modern UNPKOs. Already at the end of Aug. 1960 Hammarskjöld warned SC of likely collapse of the UN policy in Congo because of ethnic strife and state disintegration. The S-G advocated that the ONUC rapidly generate local political will for peace and seek for support from the permanent SC Members to avert that collapse.³⁹ The law and order aspect of the mandate of ONUC allowed such activities, if we consider accomplishments made by subsequent UNPKOs, notably UNTAC. As the UNTAC example also suggests, wide ranging humanitarian activities of ONUC had potential to become an important element of such peace-building support.⁴⁰

Fifthly, in contrast with the architects of UNTAC, the Secretariat had to fit the activities of ONUC within the framework of the then dominant paradigm of international security. Not only the Congolese government but also the governments of great powers prioritized military means while addressing security concerns. Therefore at withdrawal of ONUC the S-G U Thant observed that Congo had no effective central government, reliable army or police force. He continued that securing those requirements was an internal issue of the state concerned, and mandates of UNPKOs were not meant to include those fundamental requirements of statehood. According to U Thant, that conceptual, primordial and unsurmountable limitation caused the ONUC to stumble.⁴¹

Simultaneously, facts of ONUC functioning suggest gradual humanization of that paradigm. In the *note verbale* to Government of Congo on 18 Aug. 1960 Hammarskjöld emphasized that “...United Nations has put its resources at the disposal of ... Congo in the form and to the extent such a service ...

serves the overriding purposes of maintaining international peace and security.” However, already on 21 Aug. 1960 Hammarskjöld acknowledged that this principle limits “...the ways in which the United Nations can serve in the Congo...” and asked SC Members to consider a more comprehensive approach. Motivation for such a plea included humanitarian considerations: hunger had emerged in the southeast Congo, and massive displacement had aggravated inter-ethnic grievances. Therefore ONUC had to assist IDPs in order to prevent eruption of hostilities.⁴²

In this respect, the ONUC case provides a precedent of vital importance to SC support for success of UNPKOs. After authorization of ONUC, further joint initiatives of SC permanent members were required to demonstrate to local factions the economic and political benefits of peace consolidation. However, the fragile diplomatic consensus in the SC had already evaporated.⁴³ The SC deliberations between 09 and 17 Sept. 1960 -- concerning the ONUC’s handling of Katanga secession, relative claims of supremacy by Congolese leaders, and authority of ONUC to implement its mandated task of maintaining law and order -- illustrate total divergence between USA, USSR and France.⁴⁴ Lack of collective support to the ONUC from great powers damaged the entire operation⁴⁵ but was particularly destructive for its “technical assistance”/law and order aspects, demanding daily intense political involvement of ONUC with rival factions. Here the external weakness of ONUC was aggravated by endemic absence of local will for peace. In effect, the ONUC sustained challenges to its impartiality.⁴⁶ The partial functioning of the ONUC and the dilemmas over use of military force triggered the USSR and other powers to censure the S-G. Those powers preferred not to pay the bills of ONUC, and financial crisis within the UN ensued.⁴⁷

These experiences suggest that the ONUC case highlighted the principal political limitation to humanitarian activities of UNPKOs: they may support but do not substitute for peace consolidation. Besides, humanitarian activities of UNPKOs adequately address humanitarian concerns only when local parties wish peace and external actors do not exploit the situation. Moreover, these conditions are also very important within the wider humanization of Security and Development paradigms.

. ONUC humanitarian activities

.1. Beginning of the ONUC humanitarian activities

In the context of the above considerations, commencement of regular humanitarian activities by ONUC represents a landmark. Compared with contemporary situations, the activities were subjected to key disadvantages in authorization and implementation, caused by the earlier outlined limited framework of Security paradigm. Firstly, at present UNPKOs may rapidly evolve in response to situational shifts in deployment areas. In particular, the SC may upgrade mandates of UNPKOs and change the number and composition of UNPKO personnel.⁴⁸ Such patterns were unprecedented at the time of ONUC. Secondly, various humanitarian activities are often provided for in mandates of modern UNPKOs. The ONUC mandate did not include those clauses, although it did not prohibit the ONUC to

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engage in such activities.⁴⁹ Introduction of humanitarian activities into ONUC therefore represented a landmark in formation of the current dynamic management model.

In terms of implementation, mounting lawlessness which left civilians vulnerable to abuse was the trigger for humanitarian activities of ONUC. Therefore humanitarian activities of ONUC began from the start of the operation.⁵⁰ However, since the SC did not upgrade the mandate of ONUC, the Secretariat had to fit those activities into existing provisions relating to law and order. These provisions endowed the practice of protective humanitarian activities of ONUC PKF with the best legal coverage possible and therefore allowed that practice to spread all over Congo.⁵¹ In particular, the S-G considered the operation to be "...an arm of the Government (of Congo) for the maintenance of order and protection of life..."

That emphasis allowed the ONUC to to protect civilians from abuses committed by paramilitary groupings and, by this, to implement a kind of general humanitarian activities. Although brief, a relevant piece of S-G Report allows outlining of the following features of those activities. Initially, protection was to be implemented as deployment of ONUC PKF in areas where the abuses were (or had been expected to be) grave. Therefore the deployment of PKF was aimed to dissuade paramilitary groupings from abusing civilians and to reassure those civilians. However, at the time the Secretariat poorly drew the limits to those humanitarian protective activities. The relevant Report to the SC does not contain specifications of how the ONUC was to gain the consent of factions for particular protective/dissuading deployments of its PKF. S-G did not outline the need for sectoral humanitarian activities, as the assistance to IDPs, demining etc. was not required at the time. Issues regarding ONUC PKF behavior in cases of armed attacks against protected civilians also had not been contemplated.⁵² Omissions were, however, inevitable as ONUC was the first UNPKO embarking upon such activities.

Here the ONUC had been guided not just by assessments made within UN Secretariat regarding local requirements. That landmark also highlights reliance of the Secretariat's supervision over UNPKOs upon input from the SC. In particular, the case demonstrates that UNPKOs cannot fulfill humanitarian concerns without agreement among the UN SC permanent members about political repercussions from those concerns. Thus, protection of civilian population became the most frequent humanitarian activity of ONUC, not least since those states recognized the huge political implications of general insecurity of civilians. Both the political character of international involvement in protection of civilian population and the essence of respective concrete measures were principal areas under discussion. In particular, representatives of the UK and France were most vociferous in their demands to the S-G to make restoring order through protection of abused civilians a central element of ONUC functioning.⁵³ In early August 1960 the French government made efficiency and speed of ONUC's involvement in protective activities a condition for its political support.⁵⁴

Alas, while vehemently pleading for protection for White expatriates, the same orators kept silence

on the topic of relief and deliverance of Africans (more than 99.9% of Congo's population) and of numerous Asian expatriates, although threat of abuse for them had been the same. Consideration of a particular population group as superior to others in terms of access to humanitarian assistance lay at the basis of those initiatives. In this sense, they were altogether incompatible with the humanitarian ethic and represented a kind of racial discrimination. Obviously, such concerns regarding the suffering and relief represented a major setback to humanization of Security and Development paradigms. In context of ONUC, this is accentuated by the particularly chronic character, repugnant forms and wide scale of such improper policies concerning the region.⁵⁵ Therefore the case highlights the extent and difficulty of the UN struggle against deformation of humanitarian activities and significance of UNPKOs impartial, neutral, massive and relentless involvement in the struggle for humanization of Security and Development paradigms.

Dealing with political repercussions of humanitarian concerns in Congo, the SC very quickly recognized and utilized the constructive potential of humanitarian activities of UNPKOs. Thus, besides being discriminatory, the UK and French governments' argument contained justification of Belgian military intervention in Congo on humanitarian grounds (protection of expatriates from abuse and from the threat of abuse). In this respect, assessments of humanitarian aspects of crisis (the immediate security of civilian population across Congo) reported by ONUC provided other member-states in the SC objective information and influenced their stance on the matter. For example, on the basis of a report presented by a Ghanaian PKF commander within ONUC, Maj.-Gen. Alexander, in a Note to the SC the Ghanaian Government dismissed previous Belgian accusations of assaults upon Belgian nationals in the most unruly eastern Congo. That note further charged that the Belgian government was using humanitarian concerns (for "...saving the lives of Belgian nationals") to detach Katanga from Congo.⁵⁶

Such reports by ONUC underpinned the international opposition to aggression against Congo on humanitarian grounds. Consequently, the absolute majority of the UN SC members (including such diverse states as the USSR and USA) united to rebuff those intrigues⁵⁷ and to elaborate an alternative, UN-centered option for improvement of the situation in Congo and for protection of the civilian population.

The humanitarian protective activities of ONUC were recognized as an element of that approach. The SC approved proposals of the S-G, specifying forms of the ONUC functioning (including humanitarian protective activities) and, more generally, emphasized the "salutary" effect of ONUC deployment in the capital upon the security of civilian population there. Therefore the SC stressed urgency of expanding geographical scope of ONUC to protect civilians all over Congo. Simultaneously, the SC called for equal access of all the Congolese population (regardless of ethnic/racial and social background) as advocated by the S-G, as another fundamental of ONUC humanitarian protective activities.⁵⁸

In sum, introduction of humanitarian protective activities into ONUC may be considered a milestone within the evolution of UNPKOs. This marked a precedent in the UN effort to universalize humanitarian activities amidst hostilities by merging those activities under the supervision of integrated UN presence.⁵⁹ It also marked diversification of UNPKOs functioning in comparison with their earlier interposition character and highlighted the potential of UNPKOs' humanitarian activities in contributing to humanization of Security and Development paradigms.

.2. ONUC humanitarian activities and absence of local will for peace

ONUC began humanitarian activities since Congolese rival factions failed to reconcile and their hostilities brought destructive results. Already during July 1960 havoc caused breakdown of navigation on the Congo River, and severe food shortages emerged in the capital as a result. Threat of epidemics also increased because of food deficit, humid equatorial summer and massive and abrupt departure of Belgian doctors, fearful for lives and property, with no one to substitute for them. Responding to mounting humanitarian crisis, ONUC became involved in a few sectoral humanitarian activities. In distinction with the above-described protection of civilians, those activities were implemented not by the PKF, but by locally and internationally recruited civilian personnel of ONUC. Political mediation began for humanitarian purposes. Then, towards the end of July 1960, just deployed ONUC civilian personnel assisted the mission of UNICEF, which had arrived in Congo to lead an emergency nutrition service for children in the capital. In particular, assistance of ONUC to that mission comprised escorting its personnel and support in terms of communication and transportation.⁶⁰

The UN Secretariat personnel apprehended the need for participation of ONUC in sectoral humanitarian activities in the Congo and pressed for further similar measures. However, the limited Security paradigm of the time prevented the ONUC humanitarian activities from expansion into sectoral tasks. Thus, with no clear authorization for such sectoral activities within its mandate, the Secretariat managed to find an unprecedented solution, allowing the ONUC to respond to new challenges without upgrading the mandate. The Secretariat's solution was to seek after the assistance of UN organs and specialized agencies (which implement the bulk of sectoral humanitarian activities within the UN) to the ONUC. On 20 July 1960 the S-G informed the SC about those decisions (referring to the example of WHO's support to the ONUC to prevent epidemics) and applied to the Council for backing.⁶¹ Since the permanent members agreed about the seriousness of political repercussions from humanitarian concerns in Congo and involvement of UN organs and specialized agencies avoided huge additional financing of ONUC otherwise required for sectoral humanitarian activities, the SC approved these decisions of S-G within two days by corresponding resolution.⁶²

Not least in effect of that action by the SC, the UN organs and specialized agencies assumed principal responsibilities for sectoral humanitarian activities, while protection of civilians was further

strengthened as a core humanitarian activity of ONUC, the greater part of which was to be carried out by ONUC PKF. At the same time the ONUC PKF attempted to implement some sectoral humanitarian activities bordering with security-related challenges. For example, among other reasons, havoc in Congo grew because the ANC's involvement in struggle between various political factions became violent and anarchic.⁶³ From the other side, politicization brought to the ANC a drastic drop of discipline and subordination.

Therefore, within mandated law and order tasks, ONUC endeavored to deal with the problems of ANC. In particular, it attempted to disarm and demobilize excessive ANC personnel. At present, similar activities of UNPKOs facilitate humanitarian assistance to civilian population by diminishing armed violence and strengthening the sense of security. Therefore UN political organs and Secretariat acknowledge those activities of UNPKOs as humanitarian.⁶⁴ ONUC represents a landmark in such understanding since it also attempted to disarm and demobilize ANC units due to a humanitarian concern: to ensure security of the civilian population. In particular, in Aug. 1960 the aforementioned commander Alexander often called the attention of ONUC leadership to the need for disarmament and demobilization of ANC units in order to prevent their escalating atrocities against civilians. Exacerbating disputes and ethnic and tribal rows, those atrocities created additional mutual grievances and hatred. In this sense, Alexander considered political reconciliation among Congolese unachievable unless ONUC obtain from the ANC disarmament and demobilization of demoralized units. Moreover, Alexander suggested that in general such measures would not be resisted by the ANC units concerned, but advocated the use of military force by ONUC to disarm some units in extreme cases.⁶⁵

ONUC did not fulfill the quest of Alexander and others because of unwillingness of the Congolese government to assist it. Whatever their ideological orientation, government members advocated the same political credo: they saw in the ANC their only real power given their lack of economic leverage vis-à-vis regions, and therefore did not want the ONUC to decrease the number of ANC forces. Under these conditions, ONUC supreme civilian leadership disputed the feasibility of such programs.⁶⁶ For example, the SR S-G R. Bunche disapproved Alexander's proposals, considering the choice for ONUC "to shoot Congolese" for the disarmament of ANC to be extreme and unjustifiable. Bunche warned that disarmament ought to be only voluntary and "...nothing could be done without the cooperation of the central government".⁶⁷ Thus, from the legal point of view, SC resolutions did not mandate ONUC to disarm ANC units⁶⁸ without consent of Central Government, although during havoc that central government often existed in name only.

Practically also, disarmament and demobilization of the ANC could not be realized, as secession efforts in Katanga became more aggressive, and political strife emerged in the capital in Sept. 1960. Turbulent events did not allow ONUC to cohesively interact with Congolese authorities in order to dispel their antipathy towards disarmament and demobilization of the ANC. Corresponding attempts

were not been made till the very end of ONUC deployment. At that time the ONUC attempted to disarm the remaining separatist gendarme forces in Katanga. For example, during March 1964 personnel of ONUC in cooperation with provincial and central authorities airdropped nearly 100,000 leaflets urging separatists to disarm. However, that effort became futile as the ONUC prepared to withdraw from Congo at that moment and could not mobilize enough personnel to clarify to local population the purposes and benefits of such initiatives.⁶⁹

Thus, not least following the dominant Security paradigm of the time, general protection of civilian population remained the principal feature of ONUC involvement in the humanitarian field. According to S-G Reports to the SC, from July 1960 onwards expansion of humanitarian protective activities implemented by ONUC PKF was triggered by the increase in number and gravity of abuses against civilian population by tribal militias. Till autumn 1960 those humanitarian activities diversified to include preventing relief supplies from being looted, protection and transportation of those supplies to the capital and subsequently to provinces; transportation and distribution of those relief supplies; and more sectoral tasks such as health programs.⁷⁰ Diversification of protective humanitarian activities within the ONUC clearly illustrates a major direction within the evolution of UNPKOs humanitarian activities, which became especially evident from 1990s onwards.⁷¹ Such ONUC PKF activities may also be regarded as protecting basic human rights (the right for life and property rights) of civilian population. For example, in Sept. 1960 that aspect of ONUC humanitarian protective activities had been highlighted in the SR S-G's report: durable presence of well armed and disciplined ONUC PKF in the capital had the protective effect of reassuring the civilian population. Thus, when the ONUC contingent in the capital decreased due to rotation or redeployment to other areas, crime rose and abuses of human rights became rampant. Simultaneously, the humanitarian situation worsened as food supplies to the capital decreased because of such insecurity.⁷²

Importantly, the geographical scope of such humanitarian/human rights protective activities of ONUC PKF quickly widened. In particular, the ONUC PKF systematically set up protected areas for threatened persons at various times and locations. Such work of ONUC personnel seems to represent a landmark of intercourse of UNPKOs humanitarian activities with human rights protection related issues, although this theme is beyond the scope of the present work. Besides, such work of the ONUC PKF for the first time highlighted the need to divide labor between the UNPKOs and UN organs and specialized agencies (such as the WHO) The issue proved to be very difficult to resolve, and lack of proper division of labor concerning protected locations within the UN system still plagues the humanitarian activities of UNPKOs.⁷³

The rather narrow Security paradigm, privileging military solutions in settlement of conflicts, was primarily manifested in inextricable dependence of ONUC PKF's humanitarian protective activities upon political will of the conflicting parties for reconciliation. Such will, and not the ONUC activities, seems to have been crucial in shaping the population's living conditions. In absence of that will,

humanitarian protective activities tend to lose the way. The case described below seems to be a landmark in that trend.

In Aug. 1960 the UNPKO for the first time dealt with humanitarian emergency caused by ethnic warfare in the Congolese province of Kasai. In particular, the contingent of the ONUC PKF in Kasai was targeted by tribal militia while escorting unarmed IDPs belonging to an opposing tribe, to the protected area set up by ONUC PKF. That contingent had to resort to rifle fire to defend itself and to deter the attack of IDPs under their protection. As a result, a dozen tribal militia fighters were killed, and a wave of discontent with ONUC emerged and jeopardized transport of relief supplies to the famine-stricken population. Thus, for the first time the UN PKF utilized military force beyond immediate self-defense but for a humanitarian purpose: to dissuade an attack on protected persons.⁷⁴

While treating that episode with utmost regret, the SRS-G prophetically warned that “Every effort should be exerted to avoid harm to anyone ... Obviously, if the Force began ... to wound and kill Congolese its doom would be quickly sealed, for it cannot long survive amidst a hostile public. Indeed, this would defeat its very purpose.”⁷⁵

The head of ONUC at once identified use of military force by the PKF for a humanitarian purpose as a fundamental flaw of the operation and argued in favor of preventing recurrence of such practice. However, adequate efforts in that direction were not supported by the UN Secretariat and SC. In general, we have to reiterate that using military force (in this context, for humanitarian purposes) contributed to the destruction of the basic principle of peacekeeping, i.e., impartiality of ONUC operations, and to the emergence of above-mentioned challenges to the operation. On the other hand, ONUC humanitarian activities might have contributed to humanization of Security and Development paradigms much more, if rival parties had been willing to renounce the cycle of mutual military attacks.

.3. Enhancing protection in absence of local will for peace.

The above-described episode and its consequences suggest that if conflicting parties are not willing to reconcile, UNPKOs have nevertheless to avoid violent action in order to implement their mandates. The ONUC is remarkable in that it regularly made such efforts regarding protection of civilians from abuse or threats of abuse. Those efforts included a set of concrete political initiatives aimed at preventing ONUC PKF from sliding into fighting with rival parties over humanitarian issues. Besides, when negotiations and political efforts failed and confrontations did occur (although regarding issues other than humanitarian concerns) ONUC also adopted more general measures of legislative order. Those included institution of legal principles of ONUC activities in order to minimize the aggravation of the humanitarian situation and also to mitigate harm from use of military force by the ONUC for civilian population. Such efforts of ONUC undoubtedly contributed to humanization of Security and Development paradigms and therefore are described below.

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Expansion of ONUC's response to humanitarian concerns beyond protective activities by its PKF was necessitated by political conditions and especially by worsening civil strife in the aftermath of assassination of Congolese Prime Minister P. Lumumba.⁷⁶ Essential implications are as follows: Lumumba had been very popular in Congo, especially in eastern provinces of the country, which always represented a breeding ground for tribalism and separatism. Therefore Lumumba's murder exacerbated separatist aspirations in the East.⁷⁷ Besides, an assassination of a left-wing politician provoked a censure against the poor functioning of ONUC by the Soviet Union, its allies and numerous non-aligned states.⁷⁸

In this context, inability of ONUC to guarantee freedom and to prevent assassination of Lumumba represented not only a political blunder of that UNPKO, but a major setback for UN peacekeeping as a whole. However, even under such conditions, the facts once again demonstrated the constructive potential of UNPKOs humanitarian activities for easing political standoff between rival parties, although they also reaffirmed the incapacity of those activities to substitute for the will of rival parties for peace. In particular, during the second half of February 1961 the UN secretariat attempted to limit political fallout from that assassination by means of ONUC humanitarian activity: attempts to return bodies of slain politicians to their relatives and followers for burial. For the first time UNPKO implemented such high-profile humanitarian activities bordering on sensitive political concerns. According to the S-G report to the SC, however, those undertakings failed: during negotiations with ONUC Katangese authorities procrastinated, putting forward one unrealistic demand after another concerning the military assistance by ONUC.⁷⁹

As further relevant reports of the S-G suggest, that episode reflected negative development in tactics pursued by Congolese factions regarding the humanitarian activities of ONUC. Negotiations concerning those activities were stalled and became especially difficult and long regarding expansion of ONUC's humanitarian protective activities, since those demanded the deployment of PKF in areas militarily sensitive to the rival factions. As a result, during the first half of 1961 those activities became increasingly dependent upon the luck of ONUC personnel in constant bargaining with Congolese government and local officials concerning military assistance.⁸⁰

The above process represented a landmark for the UNPKO in dealing with what is presently characterized as contraction of "humanitarian space" by the parties of conflicts.⁸¹ Those efforts of ONUC highlight a very important direction in which the humanitarian activities of UNPKOs may contribute to humanization of Security and Development paradigms. Firstly, since at the time the external providers were just beginning to implement humanitarian activities amidst hostilities, the concept of "humanitarian space" did not yet exist. Presently, the concept refers to access to victimized populations by humanitarian personnel. The spatial metaphor suggests shrinking or expansion of available access to vulnerable populations in accordance with relevant general position and particular actions of local political and military authorities. The essence of that concept is that access must be

secured and maintained by humanitarian personnel if humanitarian activities are to be effective.

Secondly, experience of ONUC is in this respect revealing for subsequent UNPKOs. For example, negotiations conducted by its personnel with rival factions in order to secure relief supplies to civilian population amidst hostilities represent a topical issue worthy of future analysis. Negotiated access is essential in building welfare safety nets for the most vulnerable amidst hostilities and in the advent of new paradigms of relief universalization. Even after adoption by the GA of a landmark resolution A/43/131 the importance of negotiated access does not decrease.⁸² Resolutions of the GA have no binding power, and securing consent of conflict parties for movements of humanitarian personnel still represents the quickest way to bring relief supplies to civilians amidst hostilities. Therefore only securing consent through negotiations, for the first time tried by the ONUC, allowed the UN to make relief operations amidst hostilities more adequate to field conditions and to protect civilian population at all sides. To confirm the point, the landmark humanitarian and human rights promoting Operation Lifeline Sudan in 1989, and subsequent diverse operations across the globe humanized Security and Development paradigms through daily work of the UN integrated humanitarian and human rights promoting programmes, realized through negotiated access.⁸³

Similarly to the case of Congo during the ONUC, in the absolute majority of contemporary UN programs involvement of UNPKOs and UN PKFs is decisive in negotiations for access.⁸⁴ Likelihood of protection of relief material by the UN PKFs under the supervision of impartial and neutral UNPKO civilian personnel strengthens the position of those negotiators as they attempt to resolve contentious issues with conflicting parties. Then, as in the landmark activities of ONUC, UN PKFs often realize protection and secure the distribution of relief supplies through establishment and maintenance of certain more or less safe areas. But, although implemented across the world, these works of UNPKOs cannot succeed unless supported by local factions' willingness to consolidate peace.⁸⁵

The above-described facts demonstrate that UNPKOs are political operations and implement humanitarian activities within realization of mandated political tasks. However, the case also highlights the quest for UNPKOs to function in conformity with principles of international law. In particular, when absence of local factions' will for peace leads to relapses of hostilities, observation of specific legal instruments providing a normative basis for the humanitarian activities of UNPKOs becomes crucially important. ONUC made a precedent through an effort to place operations of PKF in conformity with the 1949 Geneva Conventions.⁸⁶ Confrontations of ONUC with Katangese separatist forces during Sept. and Dec. 1961 resulted in intensification and qualitative change of humanitarian protective activities of ONUC. Hostilities were concentrated in a densely populated area of the provincial capital. Civilians became trapped between warring sides, one of which was the ONUC itself. A humanitarian crisis loomed.

ONUC responded to the situation with protective activities, taken urgently and in cooperation with the ICRC. Degree and scale of ONUC involvement covered a wide range of activities, from the

sporadic (escorting and evacuation of persons trapped in battle or wounded civilians and bringing in food supplies) to the systematic (guarding of the Baluba IDPs camp)⁸⁷

UNPKO's fighting with conflicting parties instead of keeping conflict from relapse into hostilities was shocking and unprecedented. Moreover, contemporaries acknowledged the excesses in use of military force by some ONUC PKF personnel during confrontations with Katangese forces and accused those personnel of brutalities and killing a few Katangans "in cold blood". The Katangese separatists also committed atrocities against the ONUC PKF and civilian personnel. In this situation, the UN S-G "...has been rightfully criticized for his reluctance to acknowledge at the time, and in more specific terms, the violations by U.N. troops of the Geneva Conventions on the laws of war, the treatment of prisoners, and the protection of civilians..."⁸⁸ As UN Secretariat had to assess the matter, the duty of ONUC PKF to observe Geneva conventions was confirmed by a set of regulations governing the functioning of the ONUC. Those regulations were issued by the UN S-G U Thant on 15 July 1963. Provided a retroactive force, those regulations were deemed to take effect on the date of arrival in Congo of the first contingents of ONUC.⁸⁹

ONUC's precedent-making operational conformity with the Geneva Conventions, endorsed in effect of ONUC's use of military force beyond self-defense, highlights yet another important direction of humanization of Security and Development paradigms. Firstly, those provisions transformed the humanitarian protective activities of ONUC from a contextual to a more legally binding and universal basis. Hence the ONUC PKF personnel might not just occasionally protect the civilian population from abuse, but were obliged to do it de jure and within all the activities of ONUC, including consideration of humanitarian results of the ONUC PKF military operations.⁹⁰

Secondly, the applicability of Geneva Conventions put ONUC functioning far ahead of its time, since the UN begun to promulgate similar practices systematically only during the 1990s.⁹¹ In 1999 the current UN S-G K. Anan made the fundamental principles and rules of international humanitarian law applicable in UNPKOs when the use of force is permitted in self-defense.⁹²

Thirdly, the above-mentioned landmark in ONUC humanitarian activities highlights the slow but sure humanization of the UN security paradigm. This claim may be confirmed by comparing the contexts of the promulgation of applicability of international humanitarian law to the ONUC and to the contemporary UNPKOs. ONUC fighting represented a serious and recurrent but exceptional event in functioning of UNPKOs of the time. In 1999 the Anan bulletin provisions were stated in conditions of numerous UNPKOs' deployment amidst hostilities in areas of intra-state conflicts⁹³ and multiple use of military force by various UN PKFs, including for humanitarian purposes, and had universal significance.⁹⁴

ONUC fighting in Katanga became subjected to extensive politicization due to the Soviet/US rivalry and within the struggle of African nations for decolonization and against remnants of colonialism, while the humanitarian aspects of the episode remained on the sidelines. In 1999 these

humanitarian aspects of observance of international humanitarian law by UNPKOs were drawing much more attention. That progress occurred not automatically: It was born amidst contradictory UNPKO deployments, particularly in Kosovo and East Timor, and as the result of the UN Secretariat's intense theoretical search for reviving the observance of international humanitarian law by conflicting parties.⁹⁵ Humanitarian aspects were at the center of events as, outlining principal challenges to UN at the opening of the 54th Session of the UN GA, the UN S-G emphasized the complementarity of the legal imperative to uphold the UN Charter with the other legal imperative - "...to protect civilians from wholesale slaughter...."⁹⁶

. Conclusions.

The above analysis suggests that the contribution of humanitarian activities of ONUC to humanization of Security and Development paradigms proceeded in various directions. That contribution is comprehensive and therefore can not be limited to the pioneering nature of humanitarian activities of ONUC within the functioning of UNPKOs. Albeit the number of UNPKOs deployments has soared in comparison with the time of ONUC, an adequate qualitative increase in efficiency of UNPKOs has not yet occurred.⁹⁷ The Author entirely supports the suggestion of S. Kozai that the ONUC experience represents the landmark illustration of the impossibility of advancing such qualitative change without the maintenance of basic principles of UN peacekeeping: impartiality, consensual character and the non-utilization of military force by UNPKOs unless in self-defense.⁹⁸

Since the early 1990s, the UN member-states de facto agreed about achieving such qualitative change via the general expansion of the concept of "security",⁹⁹ aimed to underpin the growing number of UNPKO deployments theoretically and to adopt those deployments to the humanization of Security and Development paradigms. Subsequent experience showed, however, that application of such a renewed concept by each UNPKO must be based upon cardinally improved quality of UN support of local political will for reconciliation. Otherwise an expanded concept of security remains a dogma.¹⁰⁰ Improvement of support, in turn, is impossible unless UNPKOs develop the basic principles of UN peacekeeping under coherent supervision from the UN Secretariat and political organs and in an atmosphere of support by the SC permanent members.

As development of those basic principles often gives way to their revision, similarly to the course of ONUC, political will for reconciliation among rival parties often languishes without proper support by the personnel of UNPKOs.¹⁰¹ As in ONUC, presently such situations too often cause areas of UNPKO deployments to revert to hostilities.

In this respect, the facts of humanitarian activities of ONUC prove that an impartiality-based approach, advocated by Kozai, is most conducive in terms of humanization of Security and Development paradigms. The example of those ONUC landmarks also allows highlighting a few specific aspects of necessary qualitative improvements of UNPKOs.

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Firstly, SC and the Secretariat should have emphasized more vehemently the destructive effects of ONUC's utilization of military force for humanitarian purpose. Without that timely denial, aspirations for use of force persisted and during the 1990s brought immense harm to UNPKOs. At the beginning of 1990s both the SC and the Secretariat once again strengthened that slippery link between humanitarian action and coercive measures.¹⁰² By that, ONUC experience was neglected. Then, during the mid 1990s the slide to use of military force (not in the least for "humanitarian purposes") once again resulted in failures in UNPKOs. In distinction from ONUC, this time the consequences were global in light of the electronic media worldwide, and the UN S-G had to make a universal statement that "The logic of peacekeeping flows from political and military premises ... distinct from those of enforcement; and the dynamics of the latter are incompatible with the political process that peacekeeping is intended to facilitate."¹⁰³

Inadequate consideration of ONUC experience both within the UN system and beyond illustrates the deeply unfortunate results of disregard towards historical heritage. Therefore the UN work to support local political will for reconciliation in the course of UNPKOs must be based upon respect for history in order to make history.¹⁰⁴ This even more concerns broader and longer-term strategic efforts of the UN to humanize Security and Development paradigms.

Secondly, the ONUC case highlighted potential of UNPKO humanitarian activities for easing tension between rival parties. Implemented to protect civilians from insecurity, to diminish atrocities of unruly regiments of ANC and to counter emergencies, the ONUC humanitarian activities contributed to reconciliation already since they alleviated the most acute grievances and suffering.

Governments of the major powers did attempt to utilize that potential by generating appropriate decisions of SC and by approval of relevant UN Secretariat's proposals. However, they realized that potential to a very limited extent since concern for "real politics" often overshadowed humanitarian concerns. Lack of ONUC humanitarian activities in support of wider peace-building projects, in comparison with humanitarian protective activities, may be easily explained by that inadequate support from the major powers.

From the same perspective, a few misfortunes and omissions of ONUC humanitarian activities left a good deal to be desired, and W. Zartman argues that the nature of ONUC's rescue of Congo provided "...the elements in its gradual collapse ... decades later".¹⁰⁵ Essentially, however, the ONUC humanitarian activities worked and worked for the first time in the history of UNPKOs.

In general, the ONUC experience and subsequent events in Congo confirm that no one else but Congolese people themselves can rise up to the challenges to improve living in the DRC. The most poignant political lesson from hostilities in the Congo in terms of humanization of Security and Development paradigms is how destructive and murderous tribalism can be. This reality of Congo is recurring through the tragedies of genocide in Rwanda and through the bloody strife across the whole neighborhood of Congo. These facts imply that the best way to go is to share power as much as

possible and to accept other people of different ethnic origins as being human like all other people and therefore equal in dignity. That should be done not just on the state, but on the regional level as well.

As for us, ordinary citizens of foreign powers, the only meaningful and lasting contribution we can make to Congolese and to all those people who put their faith in the international community is to do our utmost not to allow such horrors to recur. Therefore we have to obtain more active stance of our governments in favor of humanization of Security and Development paradigms. Foreign powers must refrain from abusing the situation and assist the Congolese people in peace consolidation.

In this respect, the recent initiative of the Japanese government to grant 408 million yen in aid for UNDP/MONUC Program of Disarmament, Demobilization and Reintegration of Combatants in the DRC, announced on 31 Oct. 2003, seems to be remarkable.¹⁰⁶ Already at the outset of ONUC its commanders considered disarmament and demobilization of combatants to be an irreplaceable pledge of reconciliation, and the absence of such efforts, undoubtedly, contributed to perpetuation of hostilities in Congo.

Besides, this initiative underlines the non-violent and peaceful character of Japanese foreign policy and retains (in comparison with similar assistance from other powers) an additional credibility in the renunciation of war, threat or use of force as means of settling international disputes, established and proclaimed in the unique constitution of Japan.¹⁰⁷ During 1994-2003 Japan implemented Official Development Assistance to Africa, amounting to US \$12 billion, and is increasingly focusing this assistance upon the consolidation of peace.¹⁰⁸

Such initiatives inspire hope that major powers have grown able to utilize the UNPKOs' humanitarian activities for humanization of Security and Development paradigms. Slowly but steadily, the human race is learning lessons of the past for the sake of a better future.

Notes

1 ICRC World Disaster Report 2003. Chapter I. Humanitarian ethics in disaster and war.

2 The purposes of the United Nations are to maintain international peace and security; to develop friendly relations among nations; to cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms; and to be a centre for harmonizing the actions of nations in attaining these ends.

Above quotations are from the UN Charter, The preamble, Paras. 2, 4, 8-10: see also Art. 1, Paras 3-4; Art. 2, Para. 2; Chapter IX, Art. 55.

3 By means of adopting resolution S/RES/50 (1948 (of 29 May 1948, the UN SC authorized establishment of the UN Truce Supervision Organization (UNTSO). The UNTSO consisted of unarmed UN observers, deployed to supervise the truce in the first Arab-Israeli war. These were beginnings of UN Peacekeeping. Basic principle of UN Peacekeeping is the ability of UN to ease tensions between rival parties and contribute to negotiated solutions in a conflict situation through the impartial presence by the UN on the ground. Such

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presence represents the UNPKO. Principle of impartiality stipulates the unique functioning of military forces (PKF) and civilian personnel, comprising UNPKOs. In a majority of cases PKFs and civilian personnel act in a cooperative way, in a non-forceful way, through voluntary agreements by all the rival parties upon the establishment of UNPKOs; and through voluntary provision of personnel and resources for UNPKOs by states to the UN. The UNPKOs are usually authorized by the UN SC. The UN has no army. Each UNPKO must be designed to meet the requirements of each new situation; and each time the SC calls for the creation of a new operation, the UN Secretariat assembles the UNPKO components “from scratch” or reconfigured to meet the new mandate. In those conditions, the success of UNPKOs depends on a genuine desire on the part of local factions to solve their differences peacefully, a clear mandate, and sound political and material support by contributing States.

- 4 L. Minear 1997. humanitarian Action and Peacekeeping Operations; Conflict Prevention Capacity: Methods, Experiences, and Needs - UNU Workshop Seminar Series Report: Working Paper No. 5. June 2001.
- 5 UN GA: A/Res/43/131, Preamble, para. 12. A/Res/45/100, Preamble, Para. 14; A/46/182, Annex; A/Res/48/57, Preamble, Para. 2, A/Res/49/139[A], Preamble, Para. 2, Provision 3, A/Res/49/139 (B) Preamble, Para. 1, A/Res/50/19, Preamble, Para. 2, Provision 2 etc. J. S. Pictet. “Commentary on the Fundamental Principles of the Red Cross Proclamation of the Fundamental Principles of the Red Cross”. Available on 22 Oct. 2002 at the homepage: <http://www.icrc.org/Web/eng/siteeng0.nsf/iwplList74/863CF741EC8D2B0DC1256B66005CE2EE>. “Case concerning military and paramilitary activities in and against Nicaragua.” * (merits) in “Judgement of 27 June 1986.”, “International Court of Justice, reports of judgements, advisory opinions and orders”, 1986, p125. Quoted in Y. Matsui 1996, “*Kokusai rengo to jindouteki enjou oyobi jindouteki kanshou.*” in *Horitsu jihou*. Part I, *Horitsu jihou*, Vol. 68, No. 4.
- 6 Those ideas were outlined in the course of Millennium hearings process. On the initiative of the UN S-G (UNDOC A/52/850) and in order to elicit innovative views and suggestions on increasing the practical contribution of the UN to humanization of Security and Development paradigms, representatives of civil society have been invited by the UN to participate with Member States in regional hearings. During 1999 five such unprecedented hearings were held in Beirut for Western Asia, in Addis Ababa for Africa, in Geneva for Europe, in Santiago for Latin America and the Caribbean, and in Tokyo for Asia and the Pacific. Then the UN S-G had drawn on the reports of regional hearings in the “Millennium Report”. According to the provisions of “Millennium Report”, the vicious circle between extreme poverty and hostilities necessitates connection of the UN peacekeeping and developmental initiatives. Chapter III. Especially, Paras. 70, 88, 188. Subsequently, those ideas had been outlined for the Central African region during 2003. Interim report of the multi-disciplinary assessment mission to the Central African sub region. Chapter IV, Section B. See also: K. Anan: “Development is the Best Form of Conflict Prevention”, Washington D.C., 19 October 1999 in “The Question of Intervention,” UNDP, NY, 1999; J. Macrae and A. Zwi (eds) 1994, *War and Hunger: Rethinking International Responses to Complex Emergencies*. London: Zed Books.
- 7 A/RES/53/202 adopted on 17 Dec. 1998; A/RES/54/254 adopted on 23 March 2000; A/RES/54/281 adopted

on 15 Aug. 2000.

8 Reference to the “Brahimi Report”, prepared for the UN by the panel of leading diplomats and military officers, involved in the functioning of UNPKOs, seems to be the most adequate in this respect. “Brahimi Report”, Chapter I, Paras. 1-2; Chapter II, Paras. 9-14, 17-18. See also: Kozai 2000, “Kokurenno heiwaijikkatsudou (PKO) igi to mondaiten”. (Essence and problematic points of the UN Peacekeeping Operations)

9 S/1999/1257

10 A/54/549

11 That idea was at the center of a conference “Challenges for Humanitarian Assistance in the Last Decade and into the Future” at the UN New York Headquarters. The conference had been hosted by the panel, convened by the Deputy S-G on Humanitarian Affairs on the occasion of tenth anniversary of the GA resolution A/46/182. It was held in New York UN head quarters on 17 July 2002. Resolution A/RES/46/182 was adopted by the UN GA on 19 Dec. 1991 and included, in its annex, guiding principles of assistance and recommendations, which the UN secretariat subsequently laid at the basis of establishing the DHA, a central emergency revolving fund and the system of consolidated humanitarian appeals. (A/RES/46/182, Annex, sections V, VII)

12 Unless otherwise indicated, all references to Congo in this article relate to the state, formerly under Belgian colonial rule, with the capital at Leopoldville. After bearing the name of Zaire, that state is presently known as the Democratic Republic of Congo (DRC) and in 1965 the capital was also renamed Kinshasa. Renaming of the state from Zaire to the DRC was accomplished by President L. D. Cabila in June 1997 and reflects his aspiration to modernize Congo on the basis of social inclusion and reconciliation. E. Harsch. “Reconstruction a priority for Congo. New leaders confront legacy of economic collapse.” In *Africa Recovery* 1997, Vol.11 No.1 1997, p.19. The relapse of civil war destroyed those plans.

13 G. Martelli, 1962, “Leopold to Lumumba: a History of the Belgian Congo 1877-1960” ; C. Hoskyns, 1965, “The Congo Since Independence January 1960 - December 1961”.; C. Young, 1965, “Politics in the Congo: Decolonization and Independence”; W. J. Ganshof van der Meersch, 1963, “Fin de la Souveraineté belge au Congo”; Ndaywel-è-N.I, 1997, *Histoire du Zaire. De l'héritage ancien à l'héritage contemporain*, Bruxelles, Duculot; A. Hochschild, 1999, “King Leopold’s Ghost”. London, Macmillan.

14 *Armée nationale congolaise* - French.

15 Initially, the “ONUC” acronym was read “L’Organisation de Nations Unies au Congo” (UN Presence in the Congo) and then “Operation de Nations Unies au Congo” (UN Operation in the Congo)

16 G. Nzongola-Ntalaja, (ed.) 1986, *The Crisis in Zaire: Myths and Realities*. Trenton: Africa World Press. Present stage of Congolese havoc developed as follows: After being crushed by the Rwandese patriotic forces in June - July 1994, members of junta, who perpetrated the 1994 Rwanda genocide, fled into the eastern Zaire. Anarchy, prevailing on those territories, allowed these elements to commit numerous atrocities both in Zaire and neighboring areas of Rwanda. In 1996, Governments of Uganda and Rwanda, in consort with the Alliance of Democratic Forces for the Liberation of Congo-Zaire, invaded eastern Zaire, purportedly to improve securi-

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ty along Rwanda and Uganda's borders. As the weak Zairian Government of Mubutu was unable to resist the invasion, within nearly six months the dissimilar coalition troops reached the capital and overthrew Mubutu, installing a new, "revolutionary" administration of President L. D. Cabila. IRIN Emergency Update No. 135 on the Great Lakes (25 March 1997)

- 17 While this estimate could vary from 3.0 to 4.7 million depending on assumptions about the populations excluded from the survey. In general, the IRC findings indicate, that The mortality rate in the DRC is higher than the UN reports for any country in the world. IRC 2003 Report, Introduction.
- 18 Hostilities in Uganda during 1970s, in Southern Sudan since the mid 1980s onwards, continuation of strife in Angola during 1980s, periodic outbreaks of war in Central African Republic, Rwanda genocide during April - July 1994 and bloody strife in Burundi during 1990s have extensive Congo/Zaire/DRC connection and are fostered by the armed anarchy in adjacent Zairian territories. SC presidential statements of 14 Oct. 1994, 24 Apr. 1997 and SC resolutions, including S/RES/1457 (2003) and S/RES/1493 (2003) S/2003/1099. Report of the S-G on preparations for an international conference on the Great Lakes region. Para. 3.
- 19 "A Forgotten War - A Forgotten Emergency: The Democratic Republic of Congo" OXFAM Great Britain Policy Papers, Dec., 2000; A. Shah 2003. "Conflicts in Africa: The Democratic Republic of Congo" *Global Issues* article. Available on 22 Nov. 2003 at the homepage: <http://www.globalissues.org/Geopolitics/Africa/DRC.asp> Events unraveled following another invasion of the north and east of the DRC by Rwandese and Ugandese troops during Summer 1998, ostensibly to prevent dissident armed groups attacking both states from those unruly lands. Too weak to resist, the DRC Government applied to Angola, Namibia, Zambia, Zimbabwe and other African States for military assistance.
- 20 French Acronym: "Mission de l'Organization des Nations Unies au Congo" (The UN Mission in the Congo) Authorized and established, according to the UN SC Resolutions 1258 (1999) of 06 Aug. 1999, S/RES/1279 (1999) of 30 Nov. 1999 and S/RES/1291, allowing the MONUC to act under Chapter VII of the UN Charter. The latter decision had been taken as the result of week-long negotiations between leaders of seven African states (DRC, Burundi Angola, Namibia, Rwanda, Uganda and Zambia) under the UN aegis in New York from 17 to 24 Jan. 2000.
- 21 On 16 Jan. 2001 the Congolese President L.-D. Kabila was assassinated by his body-guard in Kinshasa, and a few politicians were attacked during 2003 but survived. "Storm Clouds over Sun City; The Urgent Need To Recast The Congolese Peace Process." Material of the International Crisis Group, 14 May 2002. Apprehension of humanitarian disaster also permeates the last UN S-G Report on the MONUC to the UN SC. S/2003/1098.
- 22 In a curious work, based on declassified archival sources, D. N. Gibbs argues that the ONUC represented a tool of the USA policies in the Congo. D. N. Gibbs, 2000, "The United Nations, international peacekeeping and the question of 'impartiality': revisiting the Congo operation of 1960" In terms of lack of impartiality, particular attention had been given to the ONUC stance regarding the demise and subsequent assassination of Congolese Prime Minister P. Lumumba. Three studies may be singled out: Belgian Parliamentary Report concerning the implications of Lumumba Assassination: "*Chambre des Représentants de Belgique, Enquête Par-*

- lementaire visant a determiner les circonstances exactes de l'assassinat de Patrice Lumumba et l'implication eventuelle des responsables politiques belges dans celui-ci*. . (The chamber of representatives of Belgium. Parliamentary investigation, aimed to determine precise circumstances of assassination of Lumumba and the degree of Belgian politicians' involvement in it)(16 Nov . 2000) L. De Witte, *The Assassination of Lumumba*. Verso, 2001. T. Misu, “*Kongo KokuRenGun to han Rumumba himitsu koosaku: kudetaao sasaeta KokuRenHeiwaIjjiKatsudou*.” (“ONUC and the anti-Lumumba secret dealings: UNPKO, which backed the coup d’état”) *Nagoya Daigaku hosei ronshu* (Nagoya UNIV. Law review) Jul. - Sept. 2002.
- 23 The homepage of ONUC, maintained by the Peace and Security Section of UNDPI in cooperation with the UN DPKO. <http://www.un.org/Depts/DPKO/Missions/onucB.htm>
- 24 The third state in Africa (After Sudan and Algeria) in terms of area, the DRC is comparable in area with Western Europe or the USA east of the Mississippi. Maps related to the ONUC deployment may be freely displayed saved or printed at the UN Cartographic Section Web Site: <http://www.un.org/Depts/Cartographic/english/htmain.htm>. At the time of maximal strength, the ONUC included up to 20000 PKF personnel and 2000 internationally recruited and local civilian personnel. More than 93,000 personnel from 35 states served in the ONUC during its four-year existence (E. W. Lefever 1967. *Uncertain Mandate: Politics of the UN Congo Operation* Chapter X)
- 25 Structurally, those UNPKOs represented either limited number of unarmed UN military observers (UNTSO, UNMOGIP, UNOGIL) or more significant UN peacekeeping forces (UNEF I)
- 26 At the time, both the UNPKOs and their activities were often specified as the UN “Interposition Forces” or the UN “Peace Supervisory Forces” (Schwarzenberger 1959, “Problems of a United Nations force: Current legal problems,” p.253; R. Russell 1964, “United Nations experience with military forces: Political and legal aspects,” p.4, Quoted in S. Kozai. *Kokurenno heiwaikkatsudou* (The UN Peacekeeping Operations) Section 1.1. “*Heiwaikkatsudouno gainen to seikaku*” (Notion and character of Peacekeeping Operation) In Japanese. References 6, 7.
- 27 Those Principles had been formulated in a Report of Hammarskjöld to the UN GA, headlined “Summary Study of the Experience Derived from the Establishment of the United Nations Emergency Force” and submitted to the UN GA on 9 Oct. 1958 (A. W.Cordier and W. Foote [eds.] “Public Papers of the Secretaries-General of the United Nations: Volumes II-V: Dag Hammarskjöld,” New York: Columbia University Press, 1974-1975)
- 28 The UN 1960 Yearbook. CD-edition. 2003. Political and Security Questions, Chapter VII Questions Relating to the Situation in the Republic of the Congo (Leopoldville) Political Developments; S/4389, Print version, pp.16-20; S/4389, Add. 5; S/4640, Annex I, Annex II.
- 29 S/RES/143 (1960) Op. Para. 2.
- 30 Formally, the ONUC made the Belgian Government declare withdrawal of troops from Congo within six weeks (United Nations, *The Blue Helmets: A Review of United Nations PeaceKeeping*, 3rd ed. 1996, New York: UNDPI. P.175-181) In fact, however, Belgian military personnel remained in the Congo as mercenaries

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and as advisors to the authorities of separatist Katanga province.

- 31 UNDOC S4389, Paras. 17-19, 25-28. The IV Special Session of the GA was convened on 17 Sept. 1960 and devoted to the issues regarding the ONUC. UN GA res. 1474 (ES-IV) Preamble, Para. 4; Op. Paras. 1, 2.
- 32 M. Taniguchi. *Nanboku mondai kaiketsuenu michi* (The path towards solution of the North/South problem) Especially, Part I, pp.3-88, and bibliography from p.279 onwards. S/4382; B. Urquhart., PP393-397. UNDOC SCOR, 15th year, 873rd mtg, paras. 21, 28, 206.
- 34 “UN Briefing Papers/The World Conferences: Developing Priorities for the 21st Century” 1997, New-York, Geneva, UNDP; Human Development Report CD-ROM -- 10 Years of Human Development Reports. ISBN: 9211261201; “Capacity for Development: New Solutions to Old Problems” 2002. New-York, UNDP/UNDP.
- 35 UN Press Release SG/758, 29 Dec. 1958. B. Urquhart, *Hammar skjöld*, pp.376-386.
- 36 D. Biebuyck and M. Douglas. 1961. *Congo Tribes and Parties*. London. Royal Anthropological Institute Publishing.
- 37 The secession of Katanga from Congo, declared on 11 July 1960, and representing the initial stage in the havoc, had economic roots. Counting for 10% of the Congo’s population, Katanga in 1960 provided about 50% of the Congo’s revenue. Some 8% of the world’s copper, 60 percent of its cobalt, and important quantities of radium, uranium, zinc, and other minerals were produced in Katanga by Belgian and British companies. Those companies were not eager to augment the share of their revenues given to the central Government. They opted for no governmental control at all (W. J. Ganshof van der Meersch., pp.437-450 onwards) Similarly, reluctance of great powers to stop the deadly civil war in the DRC during 1999-2001 seems to stem from profiteering as well. In 2001 the UN Secretariat formed the Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC to counter the problem (S/2002/1146; UNDOC 03-46627 (E) B. Harden, “A Black Mud From Africa Helps Power the New Economy” “The New York Times”, 12 Aug. 2001; I. Delawala. “What is Coltan? The Link Between your Cell Phone and Congo” ABCNews.com. 07 Sept. 2001. Available on 03 Dec. 2003 at the homepage: http://abcnews.go.com/sections/nightline/DailyNews/coltan_explainer.html)
- 38 A. D. Smith 1983. *State and the Nation in the Third World*. Chapter 7, bibliography. W. Reno 1997. “War, markets, and the reconfiguration of West Africa’s weak states’ ”; F. Stewart, F. P. Humphreys and N. Lee. “Civil conflict in developing countries over the last quarter of a century: an empirical overview of economic and social consequences.” *Oxford Journal of Development Studies*, Vol. 25, No.1, 1997)
- 39 S/4417/Add. 8, annex II; Para. 10.
- 40 Y. Sato 1997. “Lessons from UNTAC Human Rights Operation - Human Rights for Peace and Development,” particularly, pp.46-47.
- 41 S/5784 (June 29, 1964) p. 42.
- 42 S/4417/Add. 8, annex II; Paras. 12-13.
- 43 Only USA and the USSR supported initial resolution S/RES/143, authorizing the S-G to establish the ONUC, while France and the UK abstained during the voting. C. Hoskyns and C. von Horn provided good daily

account of unraveling crisis and events in the SC (C. Hoskyns, particularly, pp.131-139; C. von Horn)

44 UNDOC. SCOR, 15th year, 901st mtg; 903rd mtg; 906th mtg; C. Hoskyns, pp.197-205.

45 C. Collins, "The Cold War Comes to Africa: Cordier and the 1960 Congo Crisis," *Journal of International Affairs*, Vol.47. No.1, 1993; W. D. Hartung and B. Moix, "Deadly Legacy: U.S. Arms to Africa and the Congo War," Arms Trade Resource Center, World Policy Institute, Jan. 2000.

46 A few in the ONUC leadership and among responsible personalities within the UN Secretariat renounced the fundamental principle of impartial UNPKO presence on the ground in their daily work. For example, advancement of strategic objectives of the US diplomacy; explicit attempts to exclude Soviet personnel of the UN Secretariat from participating in control over the ONUC; moves to deprive the Prime Minister Lumumba of power (C. Hoskyns. p.201; C. von Horn 1966, p.208. See also: C. Collins 1992, "Fatally Flawed Mediation: Cordier and the Congo Crisis". *Africa Today*, 3rd Quarter, Vol. 39, No.3; D. N. Gibbs,; T. Misu, "*Kongo KokuRenGun to hanRumumba himitsu koosaku: kudetaao sasaeta KokuRenHeiwaIjiKatsudou.*" [ONUC and the anti-Lumumba secret dealings: UNPKO, which backed the coup d'état])

47 R. Higgins, 1980, *UN Peacekeeping. 1946-1967*. Volume 3. Africa. Oxford, Oxford Univ. Press. Chapter XI

48 For example, in 1993-1996 the mandates and strength of the UN Observer Mission in Liberia and the UN Angola Verification Mission III had been adjusted on a number of occasions in the face of the changing situation in the field.

49 UN Angola Verification Mission III, UN Protection Force in the former Yugoslavia, UN Transitional Administration in Cambodia, UN Operation in Mozambique, UN Transitional Administration in East Timor, UN Observer Mission in Liberia, UN Mission in Liberia, etc. For comparison, see the mandating SC resolutions for the ONUC: S/RES/143 (1960) S4381, S4389 etc.

50 Documental evidences of that process are scarce, since the ONUC was initially directed in a highly informal, ad hoc manner with the SR S-G R. Bunche issuing orders orally. E. W. Lefever 1967, Chapter X, P178. Note 10 concerning the interview with the commander of Ethiopian contingent of ONUC during July - Aug. 1960. C. Von Horn, pp.175-176, 187, 222-223, 241.

51 U.N. *The Blue Helmet.s* 1990. p223-224.

52 S/4389 S-G Progress report to the SC, 18 Jul. 1960, Paras. 6-7.

53 SCOR, 15th yr, 873 rd mtg, Paras. 130, 141

54 SCOR., 15th yr, 879th mtg, Paras. 110-113; 886th mtg, Para. 277.

55 Due to the limitation in space, we bring just a few among available examples concerning Rwanda and the DRC. S. Bradshaw and M. Robinson investigate the international community's silencing of 1994 Rwanda genocide in a documentary, issued in 1998 and headlined "When Good Men Do Nothing". Underlying idea is that the genocide had been hushed up despite abundant information from the UNAMIR and personnel of the UN organs and specialized agencies, present in Rwanda at that time. The documentary vividly portrays obscure maneuvering and pressure tactics of the Belgian government to obtain from the UN a withdrawal of UNAMIR PKF while knowingly increasing chances for the holocaust. Besides, as the UNAMIR was renounc-

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ing the protection of IDPs and leaving sites, specially arranged for that purpose, France, Belgium and Italy sent troops to Rwanda under their national command for rescuing expatriates. A scene in the documentary portrays hundreds of Tutsi IDPs begging the Belgian soldiers for help, while those rescued only foreigners French Embassy officials (even the expatriates' pet dogs) were loaded onto military transport planes, but the locally recruited embassy personnel were left to be slaughtered, cannibalized by genocidal mobs, consisting not from Africans only. An independent inquiry team - appointed by the UN S-G K Anan and headed by the former Swedish Prime Minister I. Carlsson - also declared the UN had ignored evidence concerning planning of Rwanda genocide and had refused to act once genocide had started. The Panel sharply criticised Belgium for unilaterally withdrawing its peacekeepers after the murder of some Belgian personnel and describes as "disgraceful" the decision of peacekeepers to leave Don Bosco College, instantly followed by massacre of approx. 2000 IDPs there.

S/1999/1257. Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda."; R. Dallaire 2003. *J'ai serré la main du Diable, la faillite de l'humanité au Rwanda*. (I have held the hand of devil: Humanity's crush in Rwanda) Montréal, La Libre Expression; L. Melvern 2004. *Conspiracy To Murder - The Rwandan Genocide*. London, Verso. Concerning similar realities in the DRC: D. Gough. "Congo refugees overwhelm camps." *The Guardian*, 15 July 1999; OXFAM.

56 S/4415, 01 Aug. 1960; S/4420, 06 Aug. 1960, Para. 15.

57 SCOR, 15th yr, 873rd mtg, p.18, Paras. 77-79.

58 S/RES/145 (1960) Preamble, Op. Paras. 2-4; S/4389, Para. 13; S/4389/Add. 1, Para. 2.

59 Earlier the UN political organs attempted to universalize such humanitarian activities by means of expanding activities of particular UN organs and specialized agencies. For example on 5 Dec. 1958, the UN GA adopted the Resolution A/RES/1286 (XIII) concerning the liberation war of Algeria against French colonial rule. This resolution is remarkable in terms of increasing the UNHCR involvement in humanitarian activities, propinquous to zones of hostilities. In particular, resolution A/RES/1286 contains an application of the UN GA to the UNHCR to use 'good offices' on behalf of refugees beyond Europe. By that the GA confirmed universal character of the UNHCR activities.

60 S/4417/Add. 5, 11 Aug. 1960.

61 SCOR, 15th year, 877 mtg, Para. 14.

62 S/RES/145; Op. Para. 4.

63 C. Hoskyns, pp.159-200.

64 Addressing the conference "Japan - EU. Global partnership in Humanitarian Emergencies" at the premises of UNU on 25 Jan. 2001, former Deputy S-G on Humanitarian Affairs Y. Akashi emphasized the crucial role of disarmament-related assistance in the humanitarian activities of UNPKOs. In an other example, according to the information from the website of MONUC, since June 2002 disarmament and demobilization programs are implemented by that Operation on a massive scale and assisted by personnel from the MONUC's Office of Gender Affairs, as the participation of women in the process is to increase. In compliance with provisions of

- SC Resolutions S/RES/1355 and S/RES/1376, those activities are guided by the section of MONUC, responsible also for the repatriation, resettlement and re-integration of combatants in cooperation with the UNHCR and WFP. Such structure of programs confirms their humanitarian character.
- 65 H. T. Alexander, "African Tightrope", pp 32-40; C. Hoskyns, pp.135-137. According to Alexander, in July 1960 ANC soldiers were overdue in payment, and might therefore have been easily motivated to return to civilian professions. On the use of force, see UNDOC S/4445, pp.101-102.
- 66 E. M. Miller. 1961. "Legal Aspects of the United Nations Action in the Congo," p.15.
- 67 Obviously, R. Bunche acted in terms of civilian supremacy within the UNPKO. Civilian supremacy should be understood as premises of goals and constraints, contained in provisions of relevant SC resolutions, over strictly military considerations. Consent of Congolese central Government for any major action of ONUC PKF was among such constraints. S/4451, pp.113-115.
- 68 Resolutions S/RES/143 (1960) S/145 (1960) and S/RES/146 (1960) provided for transformation of the ANC into a reliable internal security force. Absent had been the implementation mechanisms.
- 69 In comparison, according to an interview with the French veteran official of UN Secretariat, similar efforts of MONUC bring much more success at list in the eastern DRC. Regular thematic broadcasts over the Radio Okapi, established by the MONUC, allow properly informing the population and explaining the benefits of disarmament and demobilization.
- 70 The ONUC PKF medical units assisted doctors, who arrived either voluntarily or as personnel, recruited by the WHO, to struggle with leprosy, prevalent around Coquilhatville - a city on the Congo River, in the north-central part of the country. At the same time, the ONUC PKF units created in Coquilhatville a minimum of security, allowing those doctors to stay in the region.
- 71 In case of UN Angola Verification Mission II those activities were implemented on the basis of tactical arrangements concluded on the field level between the UNAVEM III PKF and the UN organs and specialized agencies (S/RES/864 (1993) of 15 Sept. 1993) As the recognition of the need to include protective humanitarian activities in mandates of UNPKOs progressed within the SC, the UNAVEM III carried tasks of protecting relief supplies under mandated provisions of verifying "...the free circulation of persons and goods" and coordination, facilitation and support to humanitarian activities, directly linked to the peace process (S/RES/976 (1995) of 08 Feb. 1995)
- 72 UNDOC A/4669.
- 73 N. Reindorp and P. Wiles, "Humanitarian Coordination: Lessons from Recent Field Experience," A study commissioned by the OCHA, Overseas Development Institute, London, June 2001. Ch. 2, Section 1. Historical overview, P4-5; Sections 3.1.-3.2. The full text of that study was available on 23 Oct. 2002 on the homepage: <http://www.odi.org.uk/hpg/papers/ochac>
- 74 UNDOC unnumbered., Date: 21 Aug. 1960. "Observations by Special Representative of Secretary-General in the Congo on the report by Maj-Gen. Alexander"
- 75 The same observations on the Report of Alexander.

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- 76 P. Lumumba had been in a political discord with the President of Congo and with the head of the ANC, his former protégé Gen. Mobutu. On 04 Dec. 1960 Lumumba and two of his aids were arrested by the pro-presidential ANC unit, and subsequently conveyed to separatist Katangese authorities for the custody and later murdered in the early 1961.
- 77 C. Hoskyns; Ndaywel-è-N.I.. Motive of endemic separatism In the East of Congo permeates both monographs.
- 78 According to T. Turner, administration of the US President D. Eisenhower directly authorized the murder of Lumumba. Such version of Lumumba's assassination is exposed in the monograph "Racines de Lumumba" published by Turner in 1997 in Kigali. See also: D. Ingram. "40 years on - Lumumba still haunts the West". Gemini News Service, 01 Sept. 2000. Available on 16 Nov. 2002 at the homepage: <http://www.oneworld.org/gemini/freebies/GAR275.html>. When fall of Lumumba within Congolese political strife became evident, on 03 Oct. 1960 [0]the Soviet delegation called for the dismissal of Hammarskjöld from office and announced that henceforth the USSR would not recognize Hammarskjöld as the S-G. GAOR, 15th sess., 883rd mtg. Concerning political stance of the USSR in reaction upon the assassination of Lumumba, SCOR, 16th yr, 936th mtg, 937 mtg.
- 79 S/4688/Add. 2, 25 Feb. 1961. Communications I - V. Later it emerged that the body of Lumumba was destroyed in a barbarous fashion in order to deprive his relatives and followers of a spiritual symbol (CD. Ingram)
- 80 S/4758, particularly, Adds. I, IV.
- 81 Concerning the idea of "humanitarian space", see L. Minear and T. G. Weiss 2001, "Mercy under Fire: War and the Global Humanitarian Community." Setting, pp.38-45, Ch. II, Guiding principles, pp.74-76; E. Voutira and S. A. Whishaw Brown, 1995, *Conflict Resolution: A Review of Some Non-Government Practices - A Cautionary Tale*.
- 82 The UN GA resolution A/RES/43/131, adopted on 08 Dec. 1988, provides for drastic widening of access for the humanitarian actors to civilian populations amidst hostilities. Those provisions were then developed in the GA resolutions A/RES/45/100 and A/RES/45/102 of 14 Dec. 1990.
- 83 A. Karim, M. Duffield, S. Jaspars and others. *Operation Lifeline Sudan (OLS): A Review*. M. Duffield 1996. "Symphony of the damned: ..." pp.173-93. For example, in 1996 the UNHCHR had been involved in eight such joint initiatives with the UNPKOs, while in 1999 their number increased to 19.
- 84 In Southern Sudan there was no deployment of UNPKO.
- 85 Situation with the "Safe areas" under the protection of UNPROFOR in the former Yugoslavia seems to be the most universally known example of the trend.
- 86 The four Geneva Conventions were adopted on 12 Aug. 1949 under the auspices of the ICRC. In contrast with genocidal slaughter of the second world war, Conventions were aimed to shape legal environment for the amelioration of the condition of the wounded and sick in armed forces in the field and on the sea, and the treatment of prisoners of war and civilians in times of war.
- 87 The major Congolese tribe, rival to the tribes which dominated Katangese separatist authorities (S/4940,

Add.8, Add.9)

88 E. W. Lefever 1967. p193.

89 UNDOC ST/SGB/ONUC/1, 15 July 1963; chapter VII, "Applicability of International Conventions." Principal factor for such late publication of Regulations had been the changing and often critical attitude of the Congolese government towards the activities of ONUC..

90 In the same way as all other instructions issued by the S-G in capacity as "commander in chief" of UN operations, the S-G Bulletin is binding on all personnel of the relevant UN PKF.

91 "Agreement on the Status of the United Nations Assistance Mission for Rwanda". 05 Nov. 1993, UN-Rwanda. Art. 7. Subsequently, identical provisions were inserted in a few other similar agreements on the deployment of UNPKOs.

92 UNDOC ST/SGB/1999/13, S-G Bulletin of 6 August 1999, "Observance by United Nations forces of international humanitarian law".

93 In the language of 1977 Additional Protocols, such conflicts are defined as "non-international".

94 Provisions of the Bulletin ST/SGB/1999/13 reflect quintessential and most fundamental principles of the laws and customs of war and are applicable to UN operations conducted under UN command and control. Besides, the bulletin was to enter into force on 12 Aug. 1999: on the fiftieth anniversary of conclusion of the Geneva Conventions, and that date had to symbolize a new stage of more universal applicability of international humanitarian law.

95 K. Anan: "Reflections on Intervention," The thirty-fifth annual Ditchley Foundation Lecture. Ditchley Park, UK, 26 June 1998 in *The Question of Intervention*, 1999. New-York, UNDP. P.4, 10; K. Annan, Address Before the Commission on Human Rights in Geneva, Switzerland (Apr. 8, 1999) available in 1999 as the UNDOC WL 15758163; K. Annan, "The Effectiveness of the International Rule of Law in Maintaining International Peace and Security," Address Before the Centennial of the First International Peace Conference in The Hague, (May 18, 1999) reprinted in UN Press Release SG/SM/6997 (May 18, 1999) J. Miller, "Crisis in the Balkans: United Nations; Annan Takes Critical Stance on U.S. Actions in Kosovo," *New York Times*, 19 May, 1999; K. Annan -- *The Economist* - Interview. 18 Sept. 1999; UNDOC A/54/1, Paras. 7-9; *Millennium report*, IV; Section C, "Addressing the dilemma of intervention."

96 See K. Annan, "Presentation of Secretary-General's Annual Report to the UN General Assembly" (Sept. 20, 1999) reprinted in the UN Press Release SG/SM/7136, GA/9596) Sept. 20, 1999)

97 Since 1948 to Nov. 2003 there have been 57 UNPKOs. Of these, 44 have been established since 1988 and 14 are ongoing.

98 S. Kozai 1991. *Kokurenno heiwaijikatsudou* (The UN Peacekeeping Operations) pp.100-204 onwards; S. Kozai 2000, pp.9-17.

99 In 1992 the UN SC and the UN S-G, B.-B. Ghali stated the environmental, socioeconomic and humanitarian considerations as important as military factors within the maintenance of international peace and security (S/23500 "Declaration of the Security Council Summit, 31 Jan. 1992, P93: UNDOC A/47/277-S/24111. B.-B.

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- Ghali, *An Agenda for Peace*, [below: *Agenda...*] Paras. 11-13; H. Shimura, 2001, "The role of the UN Secretariat in organizing peacekeeping," In R. Thakur and A. Schnabel [eds.] *United Nations peacekeeping operations: Ad hoc missions, permanent engagement*, Tokyo, New York, Paris: UNU Press)
- 100 That quest underpins the contents of Brahimi Report ("Brahimi Report", Chapter I, Paras. 3-4, 6 f; Chapter II, Paras. 18, 20-28)
- 101 S/1995/1. Position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations, entitled "Supplement to an Agenda for Peace." Paras. 12, 22. Below: the Supplement.
- 102 The UN S-G B-B. Ghali advocated the use of force in humanitarian purposes. (*Agenda*. Paras. 66-68) Then, during 1992 the UN SC adopted Resolutions S/RES/770 and S/RES/794 on 13 Aug. 1992 and 2 Dec., 1992 regarding Bosnia and Herzegovina and Somalia, respectively, and the link between humanitarian assistance and forceful actions had, probably, been further strengthened (O. Corten and P. Klein 1993, "*Action humanitaire et chapitre VII: la redéfinition du mandat et des moyens d'action des forces des Nations Unies*" *Annuaire français de droit international*, p. 105)
- 103 Supplement. Paras. 35, 36, 79.
- 104 Recently, consideration of conflict history as well as of other historical issues within planning development assistance projects had been outlined as a major priority during the JICA 2002 post-conflict peace-building seminar, held in Tokyo on 13 March 2002. Historical aspect of post-conflict state reconstruction and peace-building was also widely discussed during the latest Japanese Society of International Law international symposium, held in the Nagoya University during 11-12 Oct. 2003.
- 105 W. Zartman, 1995, "Introduction: Posing the problem of state collapse," in I. W. Zartman (ed), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, p.2.
- 106 Details available at the Japan's Ministry of Foreign Affairs homepage: <http://www.mofa.go.jp/announce/announce/2003/10/1031-2.html>
- 107 The Constitution of Japan. Preamble, Chapter II: Renunciation of war.
- 108 On 29 Sept. 2003 the Japanese Prime Minister J. Koizumi announced at the Third Tokyo International Conference on African Development that consolidation of peace is a basic goal of Japanese diplomacy in Africa. Material available on 20 Nov. 2003 at the homepage: <http://www.mofa.go.jp/region/africa/ticad3/pmspeech.html>

Abbreviations

Note: Names of months are abbreviated if longer than four letters: Aug. - August etc.

Add. - Addendum

Agenda... - UNDOC A/47/277-S/24111. B-B. Ghali. *An Agenda for Peace*.

"Brahimi Report" - UNDOC A/55/305 - S/2000/809 Report of the Panel on United Nations peace Operations.

DHA - The UN Department of Humanitarian Affairs

DRC - The Democratic Republic of the Congo, former Congo/Zaire

GA - The UN General Assembly

GAOR - UN General Assembly Official Records

HRW - Human Rights Watch

ICRC - International Committee of the Red Cross

IDP - internally displaced person

IRC - The International Rescue Committee

IRIN - Integrated Regional Information network of the OCHA

JICA - Japan International Cooperation Agency

“Millennium Report” - UNDOC A/54/2000. “We the peoples: the role of the United Nations in the twenty-first century.”

mtg - The UN Security Council meeting

OCHA - the UN Office of Co-ordination of Humanitarian Assistance

ONUC - Operation de Nations Unies au Congo. French acronym designating the UN Peacekeeping Operation in Congo

OP. Para. - Operative Paragraph (of the UN resolution, etc.)

Para. - Paragraph

PKF - Peacekeeping Force

SC - The UN Security Council

SCOR - the UN Security Council Official Records

S-G - The UN Secretary-General

SRS-G -Special Representative of the UN Secretary-General

Supplement... - UNDOC S/1995/1. Position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations, entitled “Supplement to an Agenda for Peace.”

S/... - The UN Security Council document

UK - United Kingdom of Great Britain and Northern Ireland

UNAMIR - United Nations Assistance Mission for Rwanda

UNAMSIL - United Nations Mission in Sierra Leone

UNDOC - UN Document

UNDP - The UN Development Program

UNDPI - Department of Public Information of the UN Secretariat

UNDPKO - Department of Peacekeeping Operations of the UN Secretariat

UNHCHR - The Office of the UN High Commissioner on Human Rights

UNHCR - The Office of the UN High Commissioner for Refugees

UNMOGIP - UN Military Observer Group in India and Pakistan

UNOGIL - UN Observation Group in Lebanon

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UNPKO - The UN Peacekeeping Operation
UNPROFOR - United Nations Protection Force
UNTAC - UN Transitional Administration in Cambodia
UNTSO - UN Truce Supervision Organization
USA - United States of America
USSR - Union of Soviet Socialist Republics
WFP - World Food Program
WHO - World Health Organization

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