



PUBLIC INTERNATIONAL LAW & POLICY GROUP

www.publicinternationallaw.org

A Global Pro Bono Law Firm

GUIDE TO DRAFTING PEACEKEEPING OPERATIONS

Drafter's Handbook Template

**Prepared by
Elena Carrington
Alice Hunt
Steven Hochstetler Shirk**

May 12, 2005

EXECUTIVE SUMMARY

The purpose of this document is to help parties seeking to negotiate an end to armed conflict understand: 1) varying types of peacekeeping operations, 2) different functions they may fulfill, and 3) issues related to defining the mandate for a peacekeeping operation. It provides sample language from recent ceasefire and peacekeeping agreements, an index of ceasefire agreements, and reference to other materials analyzing the challenges of peacebuilding operations.

Understanding “Peacekeeping Operations”

Clarity on what kind of “peacekeeping operation” is appropriate is critical when inviting or planning a mission. *Monitoring and verification* is the most basic type of operation in which impartial personnel observe the parties’ implementation of the ceasefire or military aspects of a peace agreement. Since the late 1980s *peacekeeping* most often refers to an operation in which an outside force serves as an impartial presence in the field, to help the parties implement security aspects of a peace agreement. *Peace enforcing* missions have the broadest mandates, under which the peacekeeping force ensures compliance with the agreement and is authorized to respond with force to violations. “Multi-dimensional peacekeeping operations” also help with civilian aspects of rebuilding state institutions and the economy, but this document focuses on questions of military security.

Functions of a Peacekeeping Force

The most common tasks for outside peacekeeping forces are to monitor and verify implementation of the ceasefire, establish a buffer or demilitarized zone, separate combatant forces, collect arms, and monitor weapons stockpiles. The mandate may also include investigating alleged violations, protecting civilians and civilian infrastructure, and aiding in demobilization of combatants.

Drafting the Mandate

The mandate is the legal framework for the peacekeeping operation, established by the organization sending the peacekeeping force. It establishes the peacekeepers’ duties, responsibilities, and authority. To be effective, a peacekeeping mandate must be clear. If representatives from the organization or states which will provide the peacekeeping force participate in the peace or ceasefire negotiations, this helps build clarity and consensus among all parties involved, increasing the chances for success.

TABLE OF CONTENTS

Executive Summary	1
Index of Agreements	3
Basic Elements	5
Types of “Peacekeeping Operations”	6
<i>Monitoring and Verification</i>	6
<i>Peacekeeping</i>	6
<i>Peace Enforcing</i>	6
Possible Peacekeeping Functions	7
<i>Monitor and Verify Implementation of Ceasefire</i>	7
<i>Establish Buffer/ Demilitarized Zones</i>	7
<i>Separation of Forces</i>	8
<i>Arms Collection and Stockpile Monitoring</i>	8
<i>Investigation of Complaints</i>	9
<i>Protection of Civilian Infrastructure</i>	9
<i>Demobilization Assistance</i>	10
<i>Transfer of Security Responsibilities to Local Authority</i>	10
<i>Timelines</i>	11
Defining the Mandate	12
<i>Inviting Assistance</i>	12
<i>Degree of Involvement</i>	13
<i>Providing Security for Peace Monitors and Observers</i>	13
<i>Immunities from National Law</i>	13
<i>Later Changes</i>	14
Other Works Consulted	15

INDEX OF AGREEMENTS USED

AFGHANISTAN, Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, 12-5-2001, (Afghanistan).

http://www.usip.org/library/pa/afghanistan/pa_afghan_12052001.html

ANGOLA, Lusaka Protocol Between The Government of the Republic of Angola (GRA) and the "Uni"o Nacional para a Independencia Total de Angola" (UNITA), 11-15-1994 (Angola).

http://www.usip.org/library/pa/angola/lusaka_11151994.html

BOSNIA AND HERZEGOVINA, The General Framework Agreement for Peace in Bosnia and Herzegovina, 11-21-1995 Dayton, 12-14-1995 Paris, (Bosnia and Herzegovina).

http://www.usip.org/library/pa/bosnia/dayton_gfa.html

CROATIA, Erdut Agreement, 11-12-1995, (Croatia).

http://www.usip.org/library/pa/croatia/croatia_erdut_11121995.html

GEORGIA, Agreement on a Cease-Fire and Separation of Forces, 5-14-1994, (Georgia).

http://www.usip.org/library/pa/georgia/georgia_19940514.html

GUATEMALA, Agreement on the Definitive Ceasefire, 12-4-1996, (Guatemala). http://www.usip.org/library/pa/guatemala/guat_961204.html

INDONESIA, Cessation of Hostilities Framework Agreement Between Government of the Republic of Indonesia and the Free Aceh Movement, 12-9-2002, (Indonesia).

http://www.usip.org/library/pa/aceh/aceh_12092002.html

KOSOVO, Interim Agreement for Peace and Self-Government in Kosovo, 2-23-1999, (Kosovo).

http://www.usip.org/library/pa/kosovo/kosovo_rambtoc.html

LIBERIA, Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political

Parties, 8-18-2003, (Liberia).

http://www.usip.org/library/pa/liberia/liberia_08182003_toc.html

SIERRA LEONE, Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone, 7-7-1999, (Sierra Leone).

http://www.usip.org/library/pa/sl/sierra_leone_07071999_toc.html

SOMALIA, The General Agreement Signed in Addis Ababa on 8 January 1993, 1-8-1993, (Somalia).

http://www.usip.org/library/pa/somalia/somalia_01081993_gen.html

SRI LANKA, Agreement on a Ceasefire Between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam, 2-23-2002, (East Timor).

http://www.usip.org/library/pa/sri_lanka/pa_sri_lanka_02222002.html

BASIC ELEMENTS

This template contains three main sections:

I. Types of “Peacekeeping Operations”

“Peacekeeping operations” can be understood in a number of ways. This section highlights the spectrum of peacekeeping roles and explains them, from monitoring and verification, to peacekeeping, to peace enforcing.

II. Possible Peacekeeping Functions

This section provides a list of functions the peacekeeping force can be authorized to fulfill and gives sample language from previous agreements.

III. Defining the Mandate

The mandate is the basic guide the peacekeeping forces refer to for instructions on their specific roles. As such, it must clearly establish the tasks the peacekeepers are to perform, where they are expected to operate, and under whose authority the force will function. This final section guides the parties on their role in shaping key aspects of the mandate, and also provides examples of language in prior ceasefire agreements.

TYPES OF “PEACEKEEPING OPERATIONS”

There is frequent confusion related to the term “peacekeeping operations,” as it has reflected various uses in recent decades. In its most basic form, a peacekeeping operation is the deployment of an impartial third party to assist in monitoring and/or enforcing a previously established ceasefire or peace agreement. Peacekeeping operations will more likely succeed if terms and duties are clearly defined, and if there is a thorough understanding of the parties’ expectations and commitments.

The roles of the peacekeepers will depend upon the conflict environment and the degree of discipline among the parties. Peacekeeping can be broken into three general types along a spectrum of expanding mandate:

Monitoring and Verification: the most limited role. Impartial personnel observe the parties’ voluntary implementation of the ceasefire agreement. Personnel can be unarmed or mandated only to defend themselves from attack. Monitoring by impartial peacekeeping personnel lends accountability and transparency to implementation of the agreement. This builds trust and encourages compliance on both sides.

Peacekeeping, more broadly: an expansion of the mandate from monitoring. A force deploys as an impartial presence in the field, as a confidence-building and stabilizing measure. Peacekeepers may aid in implementing more complex security-related aspects of a ceasefire, such as separating the opposing forces and aiding in the disarmament process.

Peace Enforcing: the broadest mandate for a peacekeeping mission. This is used in situations where there is doubt about the intentions of the conflicting parties or about their ability to control and discipline their forces. The peacekeeping force ensures compliance with the ceasefire agreement or other security measures. The contingent is armed and is authorized to engage in defense against any hostile activity and to respond with force to violations.

POSSIBLE PEACEKEEPING FUNCTIONS

Listed below are key duties that peacekeeping forces have been mandated to undertake, as well as examples of relevant authorization language in previous agreements. Parties to a conflict can use this list when deciding which elements will be necessary to help a peacekeeping force successfully establish security, in their particular situation. The options listed are not necessarily part of every peacekeeping operation.

Monitor and verify implementation of ceasefire – This is the most basic function the peacekeepers can perform. It can be limited to reporting on whether elements of the ceasefire agreement have been implemented, or may include authority to investigate alleged violations.

A Cease-fire Monitoring Committee to be chaired by the United Nations Observer Mission in Sierra Leone with representatives of the Government of Sierra Leone, the Civil Defence Forces and ECOMOG shall be established at provincial and district levels with immediate effect to monitor, verify and report all violations of the cease-fire. A Joint Monitoring Commission shall be established to receive, investigate and take appropriate action on reports of violations of the cease-fire from the CMC. The parties agree to the definition of cease-fire violations as contained in Annex 2 which constitutes an integral part of the present Agreement.

Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone, 1999

Overall supervision, control and verification of the reestablished cease-fire will be the responsibility of the United Nations acting within the framework of its new mandate, with the participation of the Government and UNITA.

Lusaka Protocol, Angola, 1994

Establish buffer/demilitarized zones - Peacekeepers can establish designated security zones inaccessible to other armed forces.

A security zone having a radius of 6 kilometres shall be established around each assembly point in which no units of the Guatemalan armed forces, Volunteer Civil Defence Committees

(CVDC) or members of URNG may be present. Only United Nations verification units may have access to these zones. Police activities may be carried out subject to coordination with the United Nations verification authority.

Agreement on the Definitive Ceasefire, Guatemala, 1996

For the first two months after the [Ceasefire] signing, both parties will relocate to defensive positions as agreed upon by the JSC. Adjustments to these locations could be made by the JSC in order to separate the forces of both parties with sufficient distance to avoid contact or confrontation. Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other. In order to build trust and confidence during these crucial months, these zones and surroundings will be monitored by the tripartite monitoring teams.

Cessation of Hostilities Framework Agreement Between Government of the Republic of Indonesia and the Free Aceh Movement, 2002

Separation of forces - Peacekeeping forces can assume the responsibility of separating ground forces.

The Parties call on ECOWAS to immediately establish a Multinational Force that will be deployed as an Interposition Force in Liberia, to secure the ceasefire, create a zone of separation between the belligerent forces and thus provide a safe corridor for the delivery of humanitarian assistance and free movement of persons.

Peace Agreement Between the Government of Liberia, The Liberians United for Reconciliation and Democracy, The Movement for Democracy in Liberia, 2003

Arms collection and stockpile monitoring - Peacekeepers can monitor, verify, and/or facilitate the collection and storing of arms in the manner agreed by parties to the ceasefire. Peacekeeping forces may observe the surrender of armaments to a central location or authority; they may assist parties in the transfer of weapons; or they may be responsible for the actual collection, securing, and guarding of the arms.

Step four involves... the collection, storage and custody of their armaments under the supervision and control of the United Nations... The United Nations will... collect this lethal war

materiel and will proceed to store and take custody of it as previously agreed.

Lusaka Protocol, Angola, 1994

...and request that UNITAF/UNOSOM assist these efforts so as to achieve a substantial completion of the disarmament within 90 days... including the total and complete handover of weapons to UNITAF/UNOSOM.

Addis Ababa Agreement, Conference on National Reconciliation in Somalia, 1993

Disarming shall consist of the depositing, registration and handing over to the United Nations of all types of offensive and defensive weapons, munitions, explosives, mines and other supplementary military equipment...

Agreement on the Definitive Ceasefire, Guatemala, 1996

Investigation of complaints - The peacekeeping force can investigate complaints about alleged violations of the ceasefire agreement.

The United Nations will create and put in place UN teams to monitor and verify the cessation of hostilities throughout the national territory and investigate alleged cease-fire violations. United Nations assets will be deployed on a prioritized basis.

Lusaka Protocol, Angola, 1994

A Joint Monitoring Committee will be established in order to receive, investigate, and take action on reports of violation of the ceasefire... A Joint Monitoring Committee will be composed of representatives of ECOWAS, UN, AU, IGGL, and Parties shall continue to supervise and monitor the implementation of the Agreement. JMC will resolve any disputes concerning implementation and investigate any alleged violations.

Peace Agreement Between the Government of Liberia, The Liberians United for Reconciliation and Democracy, The Movement for Democracy in Liberia, 2003

Protection of civilian infrastructure - In cases where the local police force has been weakened, peacekeeping forces can assist in re-establishing basic order and security. Peacekeeping forces can also protect and secure strategically important institutions and infrastructure, including offices, power grids, water sources, places of worship, and other public spaces.

Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the UN Talks on Afghanistan request the United Nations Security Council to consider authorizing the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. It would also be desirable if such a force were to assist in the rehabilitation of Afghanistan's infrastructure.

Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, 2001

Demobilization assistance - Demobilization can be conducted by the peacekeeping force, the interim governing authority, or a combination of both.

A neutral peace keeping force comprising UNOMSIL and ECOMOG shall disarm all combatants of the RUF/SL, CDF, SLA and paramilitary groups. The encampment, disarmament and demobilization process shall commence within six weeks of the signing of the present Agreement in line with the deployment of the neutral peace keeping force. The present SLA shall be restricted to the barracks and their arms in the armoury and their ammunitions in the magazines and placed under constant surveillance by the neutral peacekeeping force during the process of disarmament and demobilization. UNOMSIL shall be present in all disarmament and demobilization locations to monitor the process and provide security guarantees to all ex-combatants.

Peace Agreement Between the Government of Liberia, The Liberians United for Reconciliation and Democracy, The Movement for Democracy in Liberia, 2003

Transfer of security responsibilities to local authority - Upon the success and completion of the peacekeeping operation, the mission will cede all security responsibilities to the local authority.

The Parties agree to develop a timetable for the phased withdrawal of ECOMOG, including measures for securing all of the territory of Sierra Leone by the restructured armed forces. The phased withdrawal of ECOMOG will be linked to the phased creation and deployment of the restructured armed forces.

Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone, 1999

Timelines – Specific timelines aid the implementation of most provisions in such agreements. Timelines create clear expectations, a framework for planning, and a way of measuring progress. All of these build confidence in the process.

The U.N. Security Council is requested to authorize an international force to deploy during the transitional period to maintain peace and security in the Region and otherwise to assist in implementation of this Agreement. The Region shall be demilitarized according to the schedule and procedures determined by the international force. This demilitarization shall be completed not later than 30 days after deployment of the international force and shall include all military forces, weapons, and police, except for the international force and for police operating under the supervision of, or with the consent of, the Transitional Administration.

Erdut Agreement, Croatia, 1995

By EIF [Entry Into Force date] + 30 days, subject to arrangements by COMKFOR if necessary, all Other Forces personnel who are not of local origin, whether or not they are legally within Kosovo, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from Kosovo.

Interim Agreement for Peace and Self-Government in Kosovo, 1999

DEFINING THE MANDATE

The mandate is the legal framework for the peacekeeping operation, established by the organization sending the peacekeeping force. To be effective, a peacekeeping mandate must be clear. It establishes the peacekeepers' duties, responsibilities, and authority. Therefore, if conflicting parties decide to invite a peacekeeping force, they are strongly advised to invite representatives from the organization or states which will provide the peacekeeping force, to participate in the peace or ceasefire negotiations. Following are several key issues related to establishing the mandate.

Inviting Assistance - Peacekeeping operations can be led by the U.N., by a single third party nation invited by the parties, by a coalition of states, or by a regional or sub-regional organization. Chances for a successful peacekeeping mission are greater if those who will provide peacekeepers participate in negotiations and are signatories to resulting peace agreements. The interaction between all parties during this deliberation phase gives more opportunity to discuss and build consensus on principles of the mission.

Both parties call on the International Community to assist them in implementing the present Agreement with integrity and good faith. The international organizations and the Governments of Benin, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Liberia, Libyan Arab Jamahiriya, Mali, Nigeria, Togo, the United Kingdom and the United States of America are facilitating and supporting the conclusion of this Agreement. These States and organizations believe that this Agreement must protect the paramount interests of the people of Sierra Leone in peace and security.

Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone, 1999

UN, ECOWAS, AU, and ICGL shall facilitate, constitute, and deploy a UN force in Liberia to support the transitional government and assist in the Agreement implementation. The International Stabilization Force will observe and monitor the ceasefire, investigate violations of the Agreement, collect weapons, assist in humanitarian assistance, give advice to transitional government on formation of new Liberian Army...

Peace Agreement Between the Government of Liberia, The Liberians United for Reconciliation and Democracy, The Movement for Democracy in Liberia, 2003

Degree of Involvement - Peacekeepers may be integrated into the new security environment to varying degrees: the mission may be limited and serve as an observation team, or it may be in numbers sufficient to perform advanced functions.

The Transitional Administration shall ensure the possibility for the return of refugees and displaced persons to their homes of origin. All persons who have left the Region or who have come to the Region with previous permanent residence in Croatia shall enjoy the same rights as all other residents of the Region. The Transitional Administration shall also take the steps necessary to reestablish the normal functioning of all public services in the Region without delay.

Erdut Agreement, Croatia, 1995

Providing security for peace monitors and observers – The parties state their commitment to ensuring the safety, security, and freedom of movement of the peacekeepers and outside observers.

The participants in the UN Talks on Afghanistan recognize that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves... they pledge their commitment to do all within their means and influence to ensure such security, including for all United Nations and other personnel of international governmental and non-governmental organizations deployed in Afghanistan.

Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, 2001

Immunities From National Law - There has been an increasing trend in which the parties to the conflict sign an agreement with the peacekeeping forces detailing various specifics of the obligations of the parties, including certain immunities for the peacekeeping forces from national laws.

The Government of the Republic of Bosnia and Herzegovina recognizes the need for expeditious departure and entry procedures for NATO personnel. NATO personnel shall carry identification which they may be requested to produce for the

authorities of the Republic of Bosnia and Herzegovina but operations, training and movement shall not be allowed to be impeded or delayed by such requests. As experts on mission, NATO personnel shall be immune from personal arrest or detention. NATO personnel mistakenly arrested or detained shall immediately be turned over to NATO authorities.

The General Framework Agreement for Peace in Bosnia and Herzegovina, 1995

Later Changes - Mission requirements may evolve over time. As the security environment changes, parties may expand or reduce the peacekeeping mandate by requesting that the peacekeepers assume additional responsibilities or transfer some functions to the newly-constituted local authority.

This Agreement may be amended and modified by mutual agreement of both Parties. Such amendments shall be notified in writing to the RNG.

Agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam, 2002

OTHER WORKS CONSULTED

Chesterman, Simon, “You, the People – The United Nations, Transitional Administration, and State-Building.” (New York: United Nations Press, 2003).

<http://pbpu.unlb.org/pbpu/library/You,%20the%20People-The%20UN%20and%20State%20Building.pdf>

Doyle, Michael, “War-Making and Peace Making: The United Nations’ Post-Cold War Record” in Chester A. Crocker, ed. *Turbulent Peace: The Challenges of Managing International Conflict*. (Washington, DC: United States Institute of Peace Press, 2001).

Durch, William J., Holt, Victoria K., Earle, Caroline R., and Shanahan, Moira K, “The Brahimi Report and the Future of UN Peace Operations.” (Washington, DC: Henry L. Stimson Center, 2003).

<http://www.stimson.org/fopo/pubs.cfm?ID=90>

Holt, Victoria, “Testimony Before U.S. House of Representatives International Relations Committee, Subcommittee on Africa.” (Washington, DC: April 8, 2004).

<http://www.stimson.org/fopo/?SN=FP20041006723>

Jones, Bruce, “Evolving Models of Peacekeeping: Policy Implications and Responses.” (New York: United Nations Press, 2003).

<http://pbpu.unlb.org/pbpu/library/Bruce%20Jones%20paper%20with%20logo.pdf>

“Post-Conflict Reconstruction – A Joint Project of the Center for Strategic and International Studies (CSIS) and the Association of the United States Army (AUSA).” (Washington, DC: Association of the U.S. Army and Center for Strategic and International Studies, 2001).

<http://www.csis.org/isp/pcr/framework.pdf>

United Nations General Assembly Security Council, “Report of the Panel on UN Peace Operations.” (New York: United Nations Press, 2001).

<http://www.un.org/Depts/dpko/lessons/>

United Nations General Assembly Security Council, “No Exit Without Strategy.” (New York: United Nations Press, 2001).

[http://pbpu.unlb.org/pbpu/library/No%20exit%20without%20strategy%20\(20-04-2001\).pdf](http://pbpu.unlb.org/pbpu/library/No%20exit%20without%20strategy%20(20-04-2001).pdf)