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INTERNATIONAL MECHANISMS FOR REGULATING CIVIL WARS: PEACEMAKING EFFORTS OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS

Civil wars have some mechanisms of solving: either resolution of a conflict by warring parties or resolution of a conflict with the assistance of the third party. There are international mechanisms of regulation of civil wars, which functioning nowadays, and there is accumulated experience in peacekeeping practice of the UN and other international organization. It is doubtless that peacekeeping mechanisms require participation of the international community under international humanitarian law and the UN Charter. Moreover, a third party should not use the practice of using peacemaking strategies for its own purposes. The UN peacekeeping activity, in spite of the problems, remains constant influential method on regulation of civil wars. Whereby, with all disadvantages of solving certain problem by regional organizations, the positive aspect is just a fact of creation of the mechanisms to resolve a conflict exactly by regional organizations that have been created with the purpose to expand economic cooperation.

Key words: civil war, peacekeeping activity, peacekeeping strategies, tactical measures for regulation of armed conflicts

Conflict virus has become the most identifying feature in development of world society since XX century until nowadays. Conflicts that have arisen due to the past contradictions, have led to occurrence of different collisions that have progressed at all levels: international, intergroup, interstate and other. Collisions have obtained the most acute forms, including civil wars that have led to numerous destructions and human losses. Thus, in the second part of XX century, two tendencies were determined, which were direct reasons of civil wars. First of all, there was a breakdown of the colonial system in the postwar period - former colonies, especially in Africa became independent of the metropolis. In these conditions, large-scale conflicts began in new states, where different groups of society struggled for power or for changing the status of state territory – of autonomy, independence.

The second tendency appeared in the beginning of the 1990year, when the breakup of socialistic regimes led to aggravating of ethno-confessional, ethno-territorial, ethno-political problems within post-Socialist countries. Thus, in 1990 was increased not only amount of civil wars, but also their duration and cruelty.

Civil war as any armed conflict has two regulatory mechanisms, which are not really diversified. There are only two types of mechanisms: 1) settlement of the conflict by conflicting parties; 2) settlement of the conflict with participation and assistance of the third party. Should be noted, that the third party is meant, principally, as mediators: special missions, peacekeeping forces and international organizations act in the role of such mediators, increasingly frequently the last is the so-called international range of settlement of such armed conflicts as civil war. The possibility of interference of the world society is determined by the fact that the state «is not a closed system, even when the regime tries to control external influences» and, correspondingly, international organizations “can intervene with the purpose of protection of human rights, easing of suffers and the cessation of the armed conflict”¹.

Taking in consideration the above, the UN is obligated in accordance with its Charter to take measures aimed at solution of not only international, but also non-international armed conflicts, varieties of which are civil wars. The United Nations activities in regulation of armed conflicts (which includes also non-international character) is called peacekeeping operations. Regarding the last moment, it is immediately needed to make a remark: the United Nations Charter in no cases does not regulate questions about the institute of peacekeeping operations, the term "peacekeeping" is even absent here. However,

¹ Esman, M. (1994) *Ethnic Politics*. New York.

United Nations Secretary-General Dag Hammarskjöld, in his times, took up the position that the term is attached in “the chapter six and a half” of the Charter and placed it among such traditional methods of peaceful settlement of disputes as mediation and fact-finding (chapter VI), and enforcement measures, for example, embargo and military involvement (chapter VII)¹.

In general, should be noted that during the United Nations existence, the mechanism of advance preparation, organization, control over operations, involving military staff, has not been created. Separated decisions were pronounced and own management mechanisms were created for each operation. Considerably, formation of peacekeeping policy is based on existing precedents and within the framework of restrictions, which are used in accordance with the United Nations Charter. The United Nations activity aimed to regulate civil wars has two sides: to prevent a civil war and settlement of current civil war.

The first task, mainly, was relevant during the period of getting of independence by former colonies in Africa and Asia. The United Nations forwarded special missions to prevent a civil war in the newly formed states. In some states, missions were forwarded with the purpose of maintaining the security in the region and to control the armaments. For example, the United Nations operation in Congo (ONUC – June 1960 – June 1964); the United Nations Security Force in the West New Guinea (West Irian) (UNSF – October 1962 – the last of 1963); the UN control mission in Angola I, II (UNAVEM – January 1989 – June 1991 and May 1991 – February 1995 accordingly); the United Nations mission in Central African Republic (MINURCA – April 1998 – February 2000)².

If civil war could not be contained, missions were reformed and they received some broader powers, and were directed as peacekeeping military forces of the United Nations, "blue helmets". In cases of success, their powers were continued, aimed to the establishment of peacekeeping and enforcement of the treaties. There are such missions as the United Nations armed forces in Cyprus (UNFICYP – from 1964); the UN operation in Mozambique (ONUMOZ – December 1992- December 1994); the United Nations Assistance Mission in Rwanda (UNAMIR- October 1993 – March 1996); the UN mission in Bosnia-Herzegovina (UNAMIBH – December 1995 – December 2002); control mission in Angola III (UNAVEM III – July 1997- February 1999); the United Nations Interim Administration Mission in Kosovo (UNMIK – since June 1999); the United Nations operation in Burundi (ONUB – May 2004 – October 2006).

However, nowadays the UN is in crisis. Peacekeeping activity is becoming the UN prerogative in a less degree. Other organizations undertake similar commitments, including regional organizations - Organization for Security and Cooperation in Europe (OSCE), African Union, European Union, and NATO. Should be noted, that presence of several parallel institutes largely reduce the efficiency of operations. Moreover, it leads to fact that member states of the United Nations Security Council flatly refuse to finance certain mission, because it is financed by some other organization.

Taking in consideration the above, should be thought 1992-1995 when the UN together with the US conducted two operations in Somalia. Nevertheless, the UN completely failed in solving the Somalia problem. Attempts of other organizations at solving this problem were no less active, but in general also unsuccessful – African Union, the League of Arab States, Intergovernmental Organization of Development, which consolidates all states of the Horn of Africa and international contact group about Somalia³. The force component of an operation aimed to civil war regulation has completely failed. Thousands of well-armed and equipped soldiers were helpless, faced with the guerrilla actions of tens thousands of Somalis. Moreover, death of dozens of American soldiers was a turning point in the practice of peacemaking operations. The USA under the pressure of public opinion was forced to withdraw its units from Somalia that was a signal to withdraw a contingent of other countries. Namely, this fact is indicative of peacekeeping mission failure. Moreover, experts calculated that the UN peacekeeping operation in Somalia in 1992-1995 is the most expensive among others, which were carried by the UN in the latter half of the 20th century.

One thing to note that in spite of humanitarian and military intervention of multinational forces on the UN sanction had contradictory character, through the military protection of Organization, was possible to mobilize and deliver an enormous number of food and other assistance and make a tangible attack at

¹ Операции ООН по поддержанию мира: Обзор деятельности. <<http://www.un.org/russian/peace/pko/intro/chapter1.html>>.

² United Nations Peacekeeping. <<http://www.un.org/Depts/dpko/dpko/pastops.shtml>>.

³ Коновалов, И.В. (2010). *Распад государства и гражданская война в Сомали*: автореф. дис. на получение науч. степени канд. истор. Москва: Институт Азии и Африки МГУ им. М.В. Ломоносова.

starvation and epidemics. After the withdrawal of the UN troops, in Somalia battles between clans were continued, but because of active political activity and humanitarian diplomacy within the frameworks of the United Nations, humanitarian crisis in this state was localized within the fighting areas. However, settlement of the conflict has not occurred¹.

A similar situation existed during the regulation of civil war in Somalia. The UN, ECOWAS, UAE, ECOMOG, Great Britain and other world states have taken part in attempts of conflict settlement. Events in Somalia exploded the reputation of the UN, as an organization, aimed to safeguard peace and world safety. In addition, as a result, political and legal aspects of international participation relevant to the armed conflicts solution, including civil wars on the African continent, took one of the central places in the work of 54 session of General Assembly of the UN in September 1999.

Even the United Nations Secretary-General Kofi Annan made a statement that “one of the examples and tragic consequences of non-intervention of the international community, big states and international organization was Rwandan genocide and invoked to recognition of the new international law - the right to external interference without the principle of sovereignty”². Thus, the question was risen to the UN about moving from traditional peacekeeping policy to the “peace enforcement” or “imposing peace” strategy.

Imperfection of the UN system develops in availability of the veto right in the five permanent members of the Security Council that can be used for their own purposes, which certainly reduces the effectiveness of the UN peacekeeping operations.

Researchers suggest that the UN political decisions most of all are the consequence of certain conflict situations and almost do not ahead of these events. The UN representatives in the conflict area prefer passive observation over the sequence of events rather than to create conditions for liquidation of causes of a conflict. Such «non-intervention» like it was in Bosnia and Herzegovina and Croatia leads to the increasing of number of victims of conflict and as a result to reducing of the UN authority.

Consequently, there is a certain necessity of reforming this universally international organization in order to reasonable and effective peacekeeping activity implementation.

Currently, it is observed increasing role of regional organizations in the process of regulation the civil wars. Clearly that the way of regulation the civil wars should be determined in the state where war has been emerged. However, some civil wars are closely interconnected because of close personal relations of political leaders of the states, development of regional formal and informal economy, a stream of refugees who migrate from one country to another that engaging of regional forces is inevitable. Similar situation is the most clearly observed in civil wars in Africa. Moreover, the specific of civil wars in Africa cannot and should not to be observed separately from the social and political situation in neighboring countries. Namely, that what happens in one country, completely has a positive or negative impact on neighboring countries. The fact that most prolonged and bloody civil wars in Africa were clearly defined by regional character. The last has made African politics and interested international organization (the UN, African Union and other) accept the fact that solving of such conflicts, in general, should be regional.

For the last 20 years, some interstate African organizations (ECOWAS, African Union and other) created own mechanism for regulation of civil wars and other internal political conflicts. However, K. Dokken disputes a fact that regional organizations can be impartial mediators between warring parties³. For example, operations aimed at resolution of a crisis in Liberia at the beginning of the year 1990 of XX century were made by the forces of ECOMOG (armed forces of ECOWAS) showed that this regional organization could not immediately cope with stated objective, mostly, because of the «irreconcilable character of interests» the parties to the conflict. The similar situation was during the civil war in Syria, when the United Nations and European Union, as well as the League of Arab States tried to settle a conflict by various means: from criticism of violence and terrorist attacks to sanctions, from the establishment of teams of observers to the plans of the organization of peacekeeping operations, but it did not ensure peace and safety in Syria and the region.

During the second half of the last century until the present days international organizations have accumulated considerable experience in prevention and solving of conflicts, developed a number of tactical steps aimed to de-escalation and solving of armed conflicts. Here is how they are characterized in the

¹ Балдинюк, О.В. (2000). Громадянська війна в Сомалі: здобутки і невдачі військово-гуманітарних акцій ООН. *Актуальні проблеми міжнародних відносин*, 17 (ч. I), 46–59.

² Лами, Байон (2001). *Кризис политической системы и гражданская война республике Сьерра-Леоне*. Москва.

³ Dokken, K. (2008). *African Security Politics Redefined*. Palgrave Macmillan. New York.

Western researches:

1. “Preventive Diplomacy” is related to non-military measures, which are used for prevention of escalation the crisis in open conflict, such as forward mission to collect the information, ensure the mediation and arbitration, use the official warnings about the applying sanctions and suggestion of political or material incentives¹.

However, should be noted that implementation of preventive diplomacy has a lot of problems: first of all, not all parties to conflict and not always are ready to accept the assistance from international organizations in solving the conflict; secondly, measures of such diplomacy are quite expensive, although they can't be compared with human losses and material losses; thirdly, process of collection the relevant information is quite long and laborious, moreover, not always such information is relevant and trustworthy; fourth, decisions for time, forms and methods of influence on the conflict is quite difficult and responsible task.

2. “Peacekeeping”: cessation of violence after the introduction of peacekeeping forces, who support the cease-fire and using small-arms only for self-defense². For example, implementation of the concerted strategy during the civil wars in Bosnia-Herzegovina and Croatia within the frameworks of the UN peacekeeping intervention. The UN used multifaceted approach, which combined military methods and political and diplomatic measures: a) using of military measures for humanitarian purposes; b) attempts to end the conflict through the providing conditions that are conducive to diplomatic negotiations for political regulation; c) creating opportunities to assist the parties to implement agreements³.

3. “Peacemaking”: solution to a conflict, which have led or can lead to violence. This term is synonym to term “peaceful settlement” or sometimes called as a solution to a conflict⁴. Should be noted that a significant disadvantage of this measure is that from the beginning to the successful completion may take a considerable period, taking into account that the positions of the warring parties are far from the reconciliation.

4. “Peacebuilding”: application of measures, aimed to the development of economic and social relations that do not lead to violence and other forms of peace absence.

5. The “peace enforcement” or “imposing peace”: using a more numerous and better armed forces than peacekeeping forces, aimed to impose peace between the warring parties⁵.

The analysis of the peacekeeping practice of the United Nations and other international organizations shows that the “peace enforcement” or “imposing peace” have become more widespread recently. However, should be noted that two strategies of peace of enforcement - force balance and winner's choice are used more often.

Strategy of force balance is aimed to transfer armed struggle in the persistent state, when warring parties have to renege on violence. The main purpose of balance mission it is that the armed struggle of warring parties must become disadvantageous for its parties. Strategy of force balance provides mobilization of local allies, popular and competent in a military sense. When peacekeeping forces place in conflict region, they meet with opposition in a less degree if leaders-clients have local support. The condition for the success of balance strategy is coordination of actions between the boundary states and peacekeeping forces. Military support of the client does not lead the conflict parties to peace negotiations that regional states assist to antagonist. An example of the failure of force balance strategy can be peacekeeping mission of Inter-African military forces (ECOMOG) in Liberia, when Livia and Burkina Faso supported armed groups of Charles Taylor⁶. ECOMOG in Liberia had great severities with control the groups of Charles Taylor – supporter of the ethnically homogeneous state. As it is known, a condition for successful mission is to limit purposes of the local opposition elite, which tends to political autonomy, not to secession. The client with limited purposes and opponent with limited purposes are easily controlled.

¹ Gurr, T., Harf, B. (1996). *Etnic Conflict in Wold Politics*. Oxford.

² Duch, W. (1993). *The Evolution of UN Peacekeeping: Case Studies and Comparative Analyses*. New York.

³ Балдинюк, О.В. (2000). Захист уразливих груп населення під час громадянської війни в Боснії і Герцеговині та в Хорватії в рамках миротворчого втручання ООН. *Науковий вісник Дипломатичної академії України*, 4, 48–96.

⁴ Goodman, A., Sandra, C. (1991). *Making Peace: The United States and Conflict Resoluthion*. Boulder.

⁵ Alger, Ch. (1994). *Bulding Peace: A Global Learning Process*. Diamond L., Plattner M. Nationalist M. *Etnic Conflict and Democracy*. London.

⁶ Howem, H. (1997). Lessons of Liberia: ECOMOG and Regional Peacekeeping. *International Security*, 21, 3, 145–176.

ECOMOG in Liberia had difficulties with control of Charles Taylor military grouping. A situation was created when the parties to conflict pursued total military purposes and, consequently, peacekeeping force could not be brought out of the country without disruption the force balance. In the last case, the prestige of peacekeeping states was risked. In addition, should be noted that balance strategy did not provide the local stable public order (the last is a general feature of this strategy).

The second strategy that has taken a place during the regulation of civil wars – strategy of winner's choice. The main aim of this strategy is to provide foreign military assistance to the parties to conflict for achieving them victory. The strategy of winner's choice is aimed to break the restoration of local war. It provides military involvement of world society into the interstate conflict that indicates on failure of government to control humanitarian public order in its territory. A political force that can ensure a stable peaceful life in society in the future, receives the support of peacemakers. The strategy has two variants: conservative – government changing and radical - political regime changing. The strategy is based on realistic theory: if interstate war is inevitable, the short-term war is better than long-term war. By the opinion of A. Kuperman, ignoring the strategy of winner's choice can increase violence in civil war. By the example of Rwanda, the researcher argued that if other countries (except Uganda) provided military assistance to Rwanda patriotic front in its struggle with the regime, which conducted the genocide policy, major full-scale civil war could be avoided¹.

The NATO operation in Kosovo was peacekeeping attempt to use the strategy of winner's choice. The NATO assisted to Kosovo get autonomy de facto, and implemented the strategy of division of the Yugoslavia, by the aerial bombardment of Serbia and proactive role in Kosovo army.

According to the experience of realization the strategy of winner's choice, the success of the strategy depends on supporting the client by the local population. Therefore, the military competence of the local leaders is an additional factor of strategic success. The strategy of winner's choice is more often used in conflict regions where the balance of forces between border states and great states is absent. Thus, in the Former Yugoslavia, the NATO got great success, because the United Nations Security Council was «blocked» in its decisions.

D. Byman has focused attention on the limited efficiency of winner's choice due to the changing of government or regime². In prospect, the war should be short-term and with minimal losses of human and material resources. Civil wars – are unusual occurrence. The temporary military regime until the transition of authority to civil government means forced peace and future social discontent. The temporary military regime until the transition of authority to civil government means the compulsory peace and the future social unrest. However, roistering differs from the civil war by less casualties and destructions. Thus, military victory in civil war leads to the temporary domination of some group in society. The status problems arise in defeated groups and its leaders and this situation increases the time of presenting the peacekeepers in the region. Thus, limitation of the strategy of winner's choice is connected with the high probability of a protracted peacekeepers assistance.

In conclusion, civil wars emerge due to various reasons: inadequate political structure that lead to relevant economical or national policy – and as a result the disaffected population is united into groups. These factors provide fertile ground for violence within the framework of one state and even several states. The UN peacekeeping activity, basing on its experience in this field, in spite of the problems, remains constant influence method in the conditions of the modern international safety system. Whereby, with all disadvantages of regional organizations activity that are aimed to regulate civil wars, the positive aspect is just a fact of creation of the mechanisms for solution to a conflict exactly by regional organizations, that have been created with the purpose to expand economic cooperation only.

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