

Preface

It is impossible to predict how the events of a year will be understood and interpreted 10 or more years in the future, but it seems likely that 2005 will come to be viewed as a year of transition and evolution for UN Peacekeeping and more broadly for international relations and collective security. The year 2005 saw many separate events that seemed to build in tension and complexity, rather than move closer to any resolution.

While some UN Peacekeeping Missions appeared to move quietly and modestly towards their desired goals in Sierra Leone, Ivory Coast, Liberia, Kosovo, and East Timor, there were other global issues where solutions seemed elusive. The genocide in Darfur continued despite the efforts of the AU Mission. The Road Map to peace in the Middle East, including the establishment of a truly sovereign Palestinian State and the universal acceptance and recognition of Israel and its right to exist, seemed more elusive at the end of 2005 than at its start. Global terrorism (as well as home-grown terrorism) continued to be both a threat and a reality with the 7 July 2005 bombings of the London Underground and bus systems. The US occupation of Iraq was unable to quell insurgents or end spiralling Sunni-Shiite violence. The establishment of an Iraqi government with an effective security force was an elusive goal. Warlords continued to fight each other in Somalia, and large sections of Afghanistan remained under Taliban control. Iran and North Korea informed the world they were moving forward with their nuclear programmes and claimed the right to do so.

Against this backdrop of so many dangerous uncertainties during 2005, UN peacekeeping continued, beginning and ending the year with 17 missions. At the start of 2005 these missions were staffed by 64,720 military personnel, Civilian Police, and Military Observers, along with Secretariat Personnel, International Staff, UN Volunteers, and others. At the end of 2005 there were 69,838 military personnel, CIVPOL, and MILOBS. UNMIL and MONUC remained the largest missions at approximately 16,000 each, and the UN Mission in Sudan represented a large addition with almost 5000 personnel initially. The year 2005 saw a re-examination of some of the legal and ethical issues facing the United Nations and UN Peacekeepers, as well as some of the fundamental goals and assumptions about peacekeeping and the roles of troop-contributing countries, the Security Council, and the missions themselves.

In this yearbook we have tried to address some of these legal, ethical, political, and practical issues. The yearbook opens with an article by Paul D. Williams and Alex Bellamy, entitled *Contemporary Peace Operations: Four Challenges for the Brahimi Paradigm*. Michael Hanrahan examines the practice of the United Nations

Special Committee on Peacekeeping Operations. The next article by Cedric de Coning addresses civil military co-ordination in the peacebuilding context. The incorporation of gender perspectives into peacekeeping activities is a relatively new phenomenon. Comfort Lamptey provides an overview and analysis on the activities of the United Nations to promote gender equality in post-conflict societies. The next three articles take a look at peace operations from the perspective of international law. Carsten Stahn's article deals with the exercise of law making powers by international administrations. Regional organisations are significant actors in peace operations. The legal framework of regional organisations is analysed by Alexander Oraklashvili. Alexandre Faite focuses on problems arising from the application of international humanitarian law in regard to multinational forces mandated by the United Nations. Sung-Hack Kang discusses the special relationship between the United Nations and South Korea. In the last article, Noëlle Quénivet discusses the legal obligations of the United Nations in regard to the rule of law in peacebuilding operations.

As in previous years, the notes section contains shorter contributions. Michelle Minashkanian has provided a summary of the annual conference of the International Association of Peacekeeping Training Centres, which took place in New Delhi, India from 25 to 28 October 2005. Her report is followed by the executive summary and the conclusions of the Challenges Project Phase II Report (for further information, see www.challengesproject.net). Another important conference was organized by the International Society for Military Law and the Law of War and held in Scheveningen, The Netherlands, 16-19 May 2006 (for further information, see www.soc-mil-law.org). The conference dealt with the rule of law in peace operations. The recommendations of the conference are reproduced in the yearbook. Also included is a summary of the conference held from 8 to 10 September, 2005 at the International Institute on Humanitarian Law, Sanremo, Italy, on the Application of International Humanitarian Law, Human Rights and Refugee Law: UN Security Council, Peacekeeping Forces, Protection of Human Beings in Disaster Situations.

While Dieter Fleck reviews the ICRC Study on Customary International Humanitarian Law (see also the article by Jean-Marie Henckaerts on the CD-ROM), Hans-Joachim Heintze comments on *The UN, Human Rights and Post-Conflict Situations*, edited by N.D. White and D. Klaasen.

Furthermore, the yearbook contains a bibliography, a section on books received, and the chronicle of events as well as a CD-ROM which contains the most important documents related to international peace and security. The reader will find among others, the text of all Security Council resolutions adopted in 2005, documents related to the new peacebuilding commission, the reports of the Special Committee on Peacekeeping Operations and the annual report of the Secretary General, documents on peace operations established in 2005, the United Nations Mission in Sudan (UNMIS), the European Monitoring Mission in Aceh (AMM) and

the political mission, the United Nations Office in Timor-Leste. Some of the documents are of particular importance and are highlighted here. On 21 March 2005, UN Secretary-General Kofi Annan released a report entitled *In Larger Freedom: Toward Development, Security and Human Rights for All*, which includes a comprehensive action plan to strengthen the UN's capacity for tackling poverty, security threats and human rights abuses. At the World Summit in September 2005, the world's leaders addressed the peacekeeping challenges of the 21st Century. They recognized the vital role of United Nations peacekeeping and the improvements made in recent years. They called for proposals to enhance rapid deployment in crises, and endorsed the creation of an initial operating capability for a standing police capacity. The Summit stressed the important contribution by regional organizations. The Summit emphasized the need for a coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation, and decided to establish a Peacebuilding Commission. The so-called Zeid report addresses the problem of sexual exploitation and abuse by UN peacekeepers. The report calls on troop-contributing countries to accept special measures against sexual exploitation. The author of the report, Prince Zeid recommends among others that the UN standardizes rules that all personnel are held equally accountable. One of the urgent problems of the UN is related to the protection of personnel serving in peace operations. The most relevant international legal instrument in this context is the Convention on the Safety of the UN and Associated Personnel. However, the Safety Convention has received much criticism and the scope of the convention has been discussed by the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of the UN and Associated Personnel. In order to correct the flaws, the General Assembly adopted a new protocol on 8 December 2005, which expands the legal protection from emergency humanitarian assistance to peacebuilding and the delivery of humanitarian, political and development assistance.

Harvey Langholtz / Boris Kondoch / Alan Wells