

International Peacekeeping: The Yearbook of International Peace Operations

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Preface

It is certainly interesting to note that while there were some who questioned the relevancy of the United Nations following the events of September 11, 2001 and the US occupation of Iraq starting in the Spring of 2003, 2004 saw increasing demands placed on the institution, and a continued expansion of both the number of UN peacekeeping missions and the number of personnel on those missions. By the end of 2004 there were 64,720 military personnel, civilians, and police serving on 17 peacekeeping missions, up from the 1997 low of 14,879 on 15 missions.

In addition there was increased emphasis on UN reform and a series of comprehensive studies on institutional improvements to be made to the UN to put it on the best track for the future. These studies and initiatives took a variety of forms and examined a variety of issues: Security Council Reform; the 16-member High-Level Panel on Threats, Challenges, and Change; In Larger Freedom; Millennium Goals; and The World Summit.

Collectively, these studies proposed changes more sweeping than any since the founding of the institution in 1945. Indeed, Secretary-General Kofi Annan wrote this could be “A new San Francisco moment.”

But during 2004 the UN also came face-to-face with serious problems. Some UN peacekeepers were found to have sexually abused child-age members of the very population they were charged to protect. Human trafficking continued to occur, almost under the gaze of UN peacekeepers. And in a different area, the Independent Inquiry, better-known as the Volker Report, on the one hand found that UN Secretariat’s use of funds to administer the Oil-for-Food Programme was generally disciplined but at the same time observed that “a grave and continuing conflict of interest” had occurred.

In the pages of this yearbook we have tried to both chronicle and examine some of these events and issues. In the first article, Bruce Oswald and Sarah Finnin discuss the role of peacekeepers, how to combat this global crime of human trafficking, and address the legal framework applicable to it. The second article by Kirstin Schmalenbach examines third party liability of international organisations by considering the claim settling practice of international organizations, the legal nature of the relevant claim regulations, and the substantive rules, which govern the claims. The following article by Ole Engdahl addresses another important legal issue in regard to peace operations, namely the legal protection of personnel under international law. Since the end of the cold war, the United Nations have tried to strengthen the rule of law in post conflict societies. In this context, Colette Rausch and Vivienne O’Connor present model codes for post conflict criminal justice developed by the United States Institute of Peace and Irish Centre for Human Rights, in cooperation with the Office of the High Commissioner for Human Rights and the United Nations

Office on Drugs and Crime. Yvonne Kasumba takes a critical look at South Africa's participation in peacekeeping operations. The next contribution by Rex Zedalis, which is part of a series of articles by the author dealing with Iraq's weapons of mass destruction, focuses on the specific matter of the status of the UN's weapons inspection in Iraq. Frederic L. Kirgis summarises and analyses the report of the High-Level UN Panel on Threats, Challenges and Changes, which can be found on the CD-ROM. The article section concludes with an article by Seunghyun Nam on international crimes in Sudan. In the notes section, Noëlle Quéniwet provides the reader with a summary of the discussions and papers presented at the conference, Post-Conflict Reconstruction: Nation- or Statebuilding organized by the Institute for International Law of Peace and Armed Conflict (IFHV) of the Ruhr-University of Bochum in collaboration with the German Red Cross. Like in previous years, the yearbook contains book reviews written by Cedric de Coning, Dieter Fleck and Boris Kondoch, a bibliography, a chronicle of events as well as documents on CD-ROM. The documents include all Security Council Resolutions adopted in 2004, the Annual Report of the Secretary General on the Work of the Organization 2004 and the Report of the High-Level UN Panel on Threats, Challenges and Changes. In addition, readers will find documents, which are specifically related to UN peace operations, dealing *inter alia* with rule of law and human rights related issues.

Harvey Langholtz, Boris Kondoch, and Alan Wells