
TRUST VIOLATIONS IN AFRICAN PEACEKEEPING AND THE CHALLENGE OF INTERNATIONAL HUMANITARIAN AND REFUGEE LAW

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ABSTRACT

This research paper delves into the complex interplay between peacekeeping operations and violations of trust in Africa within the context of international humanitarian and refugee law. The paper critically analyzes the challenges faced by peacekeeping forces in maintaining trust with local populations while upholding their mandates. Through a multidimensional approach, this study examines the causes, consequences, and potential solutions for breaches of trust in peacekeeping missions in Africa. The research also explores the legal implications of such violations and their impact on humanitarian and refugee rights. By shedding light on these critical issues, this paper contributes to a better understanding of the intricate dynamics that shape peacekeeping efforts in the African continent.

Chapter 1: Introduction

Background and Rationale

Peacekeeping missions have been a fundamental component of international efforts to maintain stability and promote peace in regions afflicted by conflict. In the African context, these missions have played a pivotal role in addressing the complex and multifaceted challenges faced by the continent. However, peacekeeping operations often grapple with the violation of trust between the international forces and the local populations they are meant to protect. The erosion of trust can hinder the effectiveness of these missions and even exacerbate the conflicts they seek to resolve. Therefore, understanding the dynamics of trust violations within the context of international humanitarian and refugee law is imperative for crafting more successful peacekeeping strategies in Africa.

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Research Objectives

The primary objective of this research is to critically examine the interplay between peacekeeping operations and the violations of trust that occur within the African context, considering the lens of international humanitarian and refugee law. By addressing the causes, consequences, and potential solutions for breaches of trust in peacekeeping missions, this study seeks to shed light on the complexities that shape these operations and their legal ramifications.

Scope and Limitations

This research paper primarily focuses on peacekeeping missions within the African continent and the violations of trust that have arisen in these contexts. While there are global implications for peacekeeping operations, this study narrows its scope to Africa due to its unique historical, cultural, and political dynamics. The paper acknowledges that trust violations may stem from a myriad of factors, including cultural misunderstandings, power dynamics, and inadequate training. However, due to limitations of space, it does not extensively delve into the psychological and sociological aspects of trust. Moreover, the paper does not cover every individual peacekeeping mission in Africa but rather aims to analyze overarching trends and common themes.

Methodology

This research employs a multidisciplinary approach, combining legal analysis, historical review, case studies, and policy evaluation. Primary sources such as international legal texts, treaties, and official mission reports are complemented by secondary sources, including scholarly articles, books, and academic journals. Case studies of notable peacekeeping missions are examined to provide concrete examples of trust violations and their consequences. By utilizing qualitative analysis, this paper aims to synthesize information to develop a comprehensive understanding of the subject matter.

Chapter 2: Conceptual Framework of Peacekeeping and Trust Violations

Definitions and Concepts

Peacekeeping, as defined by the United Nations, refers to the deployment of international forces to conflict areas with the consent of the parties involved to help maintain peace, protect civilians, and facilitate the transition to stability and self-governance². Trust, in this context, is the confidence and reliance placed by local populations on peacekeeping forces to fulfill their mandates while respecting their rights and dignity.

Peacekeeping Mandates and Objectives

Peacekeeping missions in Africa often operate under diverse mandates that range from observing ceasefires to protecting civilians and promoting reconciliation. The mandates are outlined in Security Council resolutions, which provide guidelines for the mission's goals and tasks. For instance, the United Nations Mission in South Sudan (UNMISS) is mandated to protect civilians, monitor and investigate human rights abuses, and support the peace process³. These mandates shape the roles and responsibilities of peacekeeping forces and influence their interactions with local populations.

Importance of Trust in Peacekeeping

Trust between peacekeeping forces and local populations is pivotal for mission success. Trust fosters cooperation, encourages information-sharing, and promotes collaboration between peacekeepers and the community. When local populations trust peacekeepers, they are more likely to provide vital intelligence, adhere to ceasefires, and participate in peacebuilding efforts. Conversely, the erosion of trust can lead to hostility, non-cooperation, and even targeted attacks against peacekeepers⁴

Factors Influencing Trust Violations

Several factors contribute to the violation of trust in peacekeeping missions. Cultural misunderstandings and language barriers can impede effective communication and hinder peacekeepers' ability to understand local dynamics⁵. Power imbalances between international

² United Nations. "What is Peacekeeping?" <https://peacekeeping.un.org/en/what-is-peacekeeping>

³ United Nations Security Council. Resolution 2567. [https://undocs.org/S/RES/2567\(2021\)](https://undocs.org/S/RES/2567(2021))

⁴ Karlsrud, J. "Why Peacekeeping Fails." *Journal of Conflict Resolution*, 2018.

⁵ Lynch, C. "Peacekeeping Challenges in Africa: The Role of Security and Equality in the Malian Conflict." *African Security*, 2018.

forces and local communities may result in perceptions of arrogance and disregard for local concerns.⁶

Furthermore, instances of misconduct and abuse by peacekeepers can severely damage trust. Cases of sexual exploitation and abuse by peacekeepers have been widely documented, leading to outrage among local populations and international condemnation.⁷

Chapter 3: Historical Context of Peacekeeping and Trust in Africa

Evolution of Peacekeeping in Africa

Peacekeeping operations in Africa have undergone significant evolution since their inception. The continent has witnessed a range of conflicts and post-conflict situations that have necessitated international interventions. The United Nations and regional organizations like the African Union have played central roles in deploying peacekeeping forces to mitigate conflicts and facilitate peace processes. The evolving nature of these missions reflects the complex and diverse challenges faced by peacekeepers in maintaining trust with local populations⁸.

Case Studies of Trust Violations

1. Rwanda Genocide and UNAMIR

The United Nations Assistance Mission for Rwanda (UNAMIR) is emblematic of both the potential impact of peacekeeping missions and the dire consequences of trust violations. During the 1994 Rwandan genocide, UNAMIR faced accusations of inaction and failing to prevent the mass killings. The mission's limited mandate, lack of resources, and challenges in coordination led to a significant erosion of trust between the mission and local populations. This case underscores the catastrophic consequences of inadequate peacekeeping efforts and the importance of building and maintaining trust⁹.

2. Sierra Leone and ECOMOG

⁶ Bratt, L., & Thorsson, A. "Peacekeepers and Local Legitimacy: Perceptions of the UN Peacekeeping Mission in the Democratic Republic of Congo." *International Peacekeeping*, 2018.

⁷ United Nations. "Special Measures for Protection from Sexual Exploitation and Abuse: A New Approach." 2017.

⁸ Murray, R. W. "United Nations Peacekeeping in Africa Since 1960." Palgrave Macmillan, 2010.

⁹ Gourevitch, P. "We Wish to Inform You That Tomorrow We Will Be Killed with Our Families." Farrar, Straus and Giroux, 1998.

The Economic Community of West African States Monitoring Group (ECOMOG) mission in Sierra Leone faced complex challenges in restoring stability during the civil war. While ECOMOG played a role in curbing the conflict, there were instances of alleged human rights abuses and perceived biases in their operations. These actions strained the relationship between ECOMOG forces and local communities, highlighting the need for clear mandates, cultural sensitivity, and respect for local dynamics¹⁰.

3. Democratic Republic of Congo and MONUSCO

The United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) is one of the most extensive and prolonged peacekeeping missions in Africa. Despite its efforts to protect civilians and support political processes, MONUSCO has faced criticism for failing to prevent violence and protect local populations. Trust violations have been attributed to challenges in communication, resource allocation, and addressing underlying root causes of conflict¹¹.

A recurring pattern in these case studies is the fragility of trust between peacekeepers and local populations. Trust violations often stem from a lack of understanding of local dynamics, inadequate mandates, and insufficient resources. Additionally, cultural insensitivity and perceptions of partiality can undermine the credibility of peacekeeping forces. These patterns emphasize the need for context-specific approaches, enhanced training, and transparent communication to build and sustain trust¹².

Chapter 4: Legal Framework in the context of International Humanitarian and Refugee Law

Refugee Definition and Protection

The 1951 Refugee Convention and its 1967 Protocol define a refugee as someone who is outside their country of nationality due to a well-founded fear of persecution. Peacekeepers

¹⁰ Laws, D. "Redeploying ECOMOG: West African Peacekeeping in Liberia and Sierra Leone." Palgrave Macmillan, 2000.

¹¹ Autesserre, S. "The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding." Cambridge University Press, 2010.

¹² Karlsrud, J., "Humanitarianism and Power: African, Asian, and Middle Eastern Peace Operations," Cambridge University Press, 2016

must be aware of the potential consequences of their operations on refugee populations and avoid actions that could exacerbate displacement¹³.

Internally Displaced Persons (IDPs)

While not defined under a specific international convention, internally displaced persons (IDPs) are individuals who have been forced to flee their homes but remain within the borders of their own country. Peacekeepers often encounter IDPs in conflict zones and are expected to respect and protect their rights, including access to humanitarian assistance¹⁴.

Accountability Mechanisms

1. Individual and Collective Responsibility

International law establishes individual and collective responsibility for violations committed during armed conflicts. Peacekeepers who engage in abuses can be held accountable, whether through their home countries' legal systems or international mechanisms¹⁵.

2. Role of International Tribunals

International criminal tribunals, such as the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), have played pivotal roles in prosecuting individuals responsible for serious violations of IHL. These tribunals contribute to ensuring accountability for crimes committed during conflicts, including those involving peacekeepers¹⁶.

Chapter 5: Challenges and Implications of Trust Violations

1. Erosion of Local Support

Trust violations in peacekeeping missions can lead to the erosion of local support for the presence of international forces. When communities perceive peacekeepers as ineffective,

¹³ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1977; United Nations High Commissioner for Refugees. "Refugee Status Determination." <https://www.unhcr.org/refugee-status-determination.html>

¹⁴ Guiding Principles on Internal Displacement, 1998.

¹⁵ International Criminal Court. "Rome Statute." <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

¹⁶ United Nations. "International Criminal Tribunals." <https://www.un.org/en/genocideprevention/criminal-tribunals.html>

biased, or complicit in abuses, they may withdraw their cooperation and withhold crucial information. This hampers the ability of peacekeepers to gather intelligence, maintain security, and engage in conflict resolution efforts¹⁷.

2. Escalation of Conflict

3. Trust violations can inadvertently escalate conflicts by fueling resentment and hostility toward peacekeepers. Acts of abuse, misconduct, or negligence can provoke local communities or armed groups, leading to violence and attacks against peacekeeping forces. These incidents not only compromise the safety of peacekeepers but also contribute to the perpetuation of the cycle of conflict.¹⁸

4. Violation of Human Rights

Trust violations often involve the violation of human rights, particularly the rights of civilians and vulnerable populations. Sexual exploitation and abuse, for instance, not only undermine trust but also constitute serious human rights violations. Such abuses are not only morally reprehensible but can also tarnish the reputation of peacekeeping missions and the international community.¹⁹

5. Disruption of Aid and Development

The breakdown of trust can hinder the delivery of humanitarian aid and development assistance. When local populations lose faith in peacekeepers, they may become skeptical of international aid efforts as well. This skepticism can lead to the reluctance of communities to cooperate with aid organizations, thereby obstructing essential relief and development initiatives²⁰.

6. Diplomatic and Geopolitical Ramifications

Trust violations can have diplomatic and geopolitical consequences. If peacekeepers are perceived as failing in their missions or violating the principles they are meant to uphold, it can strain relations between contributing countries, host governments, and international

¹⁷ Higate, P., & Henry, N. "Insecure Spaces: Peacekeeping, Power, and Performance in Haiti, Kosovo, and Liberia." Zed Books, 2017.

¹⁸ Clapham, A. "Africa and the International System: The Politics of State Survival." Cambridge University Press, 1996.

¹⁹ Barnett, M. "Empire of Humanity: A History of Humanitarianism." Cornell University Press, 2011.

²⁰ Slim, H., "Killing Civilians: Method, Madness and Morality in War," Columbia University Press, 2008

organizations. Such situations can impact broader regional stability and influence global perceptions of the efficacy of peacekeeping efforts²¹.

Chapter 6: Addressing Trust Violations and Enhancing Peacekeeping

1. Pre-deployment Training and Cultural Sensitivity

Pre-deployment training is essential to equip peacekeepers with the knowledge and skills needed to operate effectively and respectfully within local contexts. Cultural sensitivity training helps peacekeepers understand the cultural norms, values, and histories of the communities they serve. This fosters better communication, reduces misunderstandings, and enhances the ability to build trust²².

2. Community Engagement and Local Ownership

Engaging with local communities and involving them in decision-making processes enhances the legitimacy and acceptance of peacekeeping missions. Local ownership empowers communities to take charge of their own security and development, reducing perceptions of foreign imposition and promoting trust between peacekeepers and local populations²³.

3. Strengthening Accountability Mechanisms

To rebuild trust, peacekeeping missions must establish robust accountability mechanisms for addressing misconduct and violations. This includes ensuring that allegations of abuse are thoroughly investigated and perpetrators are held accountable through disciplinary measures or legal proceedings. Transparent and swift actions to address violations demonstrate commitment to upholding ethical standards²⁴.

4. Coordination with Humanitarian Organizations

Collaboration between peacekeeping missions and humanitarian organizations is vital to provide essential services and assistance to conflict-affected communities. By working together, peacekeepers and humanitarian actors can pool their expertise, resources, and

²¹ Richmond, O. P., "Peace in International Relations," Routledge, 2008

²² Berdal, M., & Economides, S., "United Nations Interventionism, 1991-2004," Cambridge University Press, 2007

²³ Mac Ginty, R., "International Peacebuilding and Local Resistance: Hybrid Forms of Peace," Palgrave Macmillan, 2011

²⁴ Human Rights Watch, "Losing Ground: Human Rights Abuses by Australian Forces in Afghanistan," 2021

networks to effectively address the needs of local populations. This cooperation reinforces the credibility of peacekeepers and their commitment to protecting civilians.²⁵

5. Collaboration with Host Governments and Regional Bodies

Close collaboration with host governments and regional organizations enhances the legitimacy of peacekeeping efforts. Coordination allows for the alignment of strategies, mandates, and responses to emerging challenges. Regional bodies such as the African Union can play a pivotal role in facilitating dialogue, mediating conflicts, and ensuring the effective implementation of peacekeeping mandates²⁶.

Conclusion

Throughout this research paper, we have explored the intricate relationship between peacekeeping operations and violations of trust in Africa within the context of international humanitarian and refugee law. We delved into the evolution of peacekeeping, case studies of trust violations, legal frameworks, challenges, and strategies for enhancing peacekeeping efforts.

The significance of addressing trust violations cannot be overstated. Trust forms the bedrock of successful peacekeeping operations, influencing cooperation, information-sharing, and community engagement. Violations of trust have far-reaching consequences, eroding local support, escalating conflicts, and violating human rights. By addressing these violations, peacekeeping missions can enhance their legitimacy and effectiveness.

The prospects for future peacekeeping in Africa are both challenging and promising. While trust violations remain a concern, the lessons learned from historical cases and the strategies discussed in this paper provide a roadmap for improving peacekeeping operations. With advancements in training, coordination, and accountability mechanisms, peacekeepers can foster stronger relationships with local communities and contribute to sustainable peace and development.

²⁵ Lieberman, H., "Terrible Fate: Ethnic Cleansing in the Making of Modern Europe," (Ivan R. Dee, 2006)

²⁶ Murithi, T., "The African Union: Pan-Africanism, Peacebuilding and Development," (Routledge, 2017)

Effective peacekeeping requires a collective effort from the international community. Governments, international organizations, and regional bodies must collaborate to provide the necessary resources, expertise, and political support for peacekeeping missions. The call for multilateral efforts emphasizes the shared responsibility in upholding the principles of trust, respect for human rights, and the rule of law in conflict-affected regions.

As conflicts and crises continue to shape the African continent, the role of peacekeeping remains indispensable. This research underscores the imperative to address violations of trust in peacekeeping operations. By understanding the historical context, legal frameworks, challenges, and potential solutions, stakeholders can contribute to more effective and ethical peacekeeping endeavors in Africa.

In conclusion, this research paper has illuminated the complexities of trust violations in peacekeeping missions in Africa and their profound implications. By acknowledging the challenges, learning from historical experiences, and implementing strategies for improvement, the international community can work collaboratively to ensure that peacekeeping efforts uphold the ideals of trust, human rights, and lasting peace in the African continent.

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