

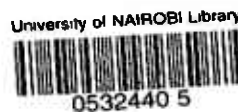
**UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

“Administration of Peace Keeping in Kenya: A Case Study of the Kenya Defence Forces.”

Gichuki Catherine Wanjiru
R50/74701/2009

**Research Project Presented in Partial fulfillment of the degree of Masters of Arts
Degree in International Conflict Management, Institute of Diplomacy and
International Studies, University of Nairobi**

October, 2011



Bd-359218

XH

JX

1961

K4952

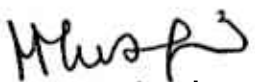
C.2

Declaration.

I, **GICHUKI CATHERINE WANJIRU** declare that this dissertation is my original work and has not been submitted for the award of a degree in any other university.

Signed 
Date oct 2011
Gichuki Catherine Wanjiru

This Project has been submitted for examination with my approval as a University Supervisor.

Signed 
Date 14/11/11
Prof. Makumi Mwangi
Director of the institute of Diplomacy and International Studies,
University of Nairobi.

Dedication.

To my kids Bhutto, George and Melissa. I am challenging you to take over the mantle and rise to the highest level in Peace and Conflict studies.

Acknowledgement

I pay special tribute to my employer, Ministry of State for Defence for offering me a chance to pursue this Masters Programme at the University of Nairobi. I thank my colleagues who took time off their busy schedule and responded to the questionnaires and afforded me time for interviews.

I thank Professor Mwagiru for his tireless efforts in evaluating this work and ensuring that this work reaches this level.

My acknowledgement goes to my family for being there for me and the encouragement to soldier on even when the terrain was rough. The sacrifice of carrying a pregnancy for the larger part of this study gave me the inspiration to make it to the finals. Thank you, Melissa for giving me company in and out of class and examination rooms.

My tribute also goes to the Mugures who walked with me during my difficult moment and ensured that I was current on my class work, assignments, and term papers and sat through all the examinations.

To the Almighty God for the gift of life and daily sustenance.

Abstract

This study appreciates that peace keeping has been applied by the UN and other regional organisations as a tool of conflict management in conflict prone environment. The post cold war era has seen an evolution in peace keeping operations owing to the change of the nature of conflict from interstate to intra state, multiplicity of actors ,complexity of the conflict to name but a few.

This study is alive to a wide range of research conducted on the subject of peace keeping operations, hence the focus on administration of peace keeping operations with case study of the Kenya Defence Forces. This is informed by the fact that a mission mandate cannot be effectively implemented without a commitment on the part of the TCC and specifically the Armed Forces and which commitment is demonstrated in terms of provisions of resources to facilitate the deployment of troops in a given mission area. It is against this back ground that this study examines the various tenets of administration of a peace keeping operation and the obligations of a contributing country. These are the process leading to peace keeping operations, negotiations of the requisite documentation before deployment of troops, predeployment programmes, selection of troops, reimbursement by the UN, pay and allowances, command and control in the mission area, food and accommodation, recreational facilities to name but a few.

This study further demonstrates that proper administration of a peace keeping operation which involves the contributing country `cutting its right piece of cloth' by negotiating the appropriate documentation to govern the relationship between itself and the UN before deploying its troops does have a great impact on the performance of the peace keepers and the overall success of the mission.

Table of Contents

Declaration.....	ii
Dedication.....	iii
Acknowledgement.....	iv
Abstract.....	v
Table of Contents.....	vi
Acronyms.....	viii
CHAPTER ONE: INTRODUCTION TO THE STUDY.....	1
1.0 Background.....	1
1.1 Statement of the Research Problem.....	2
1.2 Objectives of the Project.....	3
1.3 Literature Review.....	4
1.4 Justification of the study.....	14
1.5 Theoretical Framework.....	14
1.6 Hypotheses.....	16
1.7 Methodology.....	17
1.7.1 Primary Research.....	17
1.7.2 Secondary Research.....	18
1.8 Chapter Outline and overview of Chapters.....	18
CHAPTER TWO:THE PROCESS LEADING TO PEACE KEEPING OPERATIONS.....	20
2.0 Introduction.....	20
2.1 Definition of Peace keeping Operations.....	20
2.2 Process at the United Nations.....	22
2.3 Appointment of Mission Staff.....	26
2.4 Planning and deployment.....	27
2.5 Reporting to the Security Council.....	30
2.6 Process at the level of the Troop Contributing Country.....	33
2.7 Conclusion.....	38
CHAPTER 3.....	40
3.0 Introduction.....	40
3.1 Predeployment phase.....	41
3.1.1 Medical Examination.....	47
3.1.2 Predeployment Training.....	47
3.2 Deployment Phase.....	48
3.2.1 Command and control in the Mission area.....	48
3.2.2 Verification and Control.....	50
3.2.3 Ration and water.....	50
3.2.4 Communication.....	51
3.2.5 Accommodation.....	51

3.2.6 Transport in the Mission area	52
3.2.7 Leave	53
3.2.8 Pay and allowances.....	53
3.2.9 Repatriation	54
3.2.10 Dispute Resolution	55
3.3 Post deployment phase	55
3.4 Conclusion	56

CHAPTER 4:ADMINISTRATION OF PEACE KEEPING OPERATIONS IN KENYA.....57

4.0 Introduction	57
4.1 Kenya’s involvement in Peace Keeping Operations	57
4.2 Predeployment Phase.....	59
4.2.1 Reconnaissance Visits	59
4.2.2 Negotiations of Memorandum of Understanding and Status of Forces Agreement 60	
4.2.3 Reimbursement.....	62
4.2.4 Selection of troops	63
4.2.5 Predeployment Programme at the Concentration Camps.....	65
4.2.6 Medical Preparations (Medical Vetting)	66
4.2.7 Predeployment Training	68
4.3 Deployment Phase	73
4.3.1 Deployment of personnel and Equipment	73
4.3.2 In mission training	74
4.3.3 Pay and allowances.....	74
4.3.4 Compensation	76
4.3.5 Food and accommodation.....	79
4.3.6 Recreation facilities	80
4.3.7 Leave	82
4.3.8 Command and control	83
4.3.9 Provision of medical services.....	84
4.3.10 Communication between the troops and their families	85
4.4 Post deployment Phase	88
4.5 Conclusion.....	91

CHAPTER 5: CONCLUSION93

5.0 Introduction	93
------------------------	----

BIBLIOGRAPHY.....101

ACRONYMS

CDF	Chief of Defence Forces
KDF	Kenya Defence Forces
MOSD	Ministry of State for Defence
PDV	Predeployment Visits
PKO	Peace Keeping Operations
SC	Security Council
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
TCC	Troop Contributing Country
UN	United Nations
UNAMIR	United Nations Mission in Rwanda
UNAMID	United Nations Mission in Darfur
UNAMSIL	United Nation Mission in Sierraleone
UNMEE	United Nation Mission in Eritrea
SANDF	South Africa National Defence Forces
UNTAG	United Nations Transition Assistance Group
MOU	Memorandum of Understanding
IPSTC	International Peace Support Training Centre

CHAPTER ONE

Introduction to the Study

1.0 Background

Most Peace Keeping missions prior to 1992 were mounted with the consent of the parties to the dispute, and it was the role of the peace keepers to monitor an agreed upon cease fire. In many cases, the biggest psychological challenge peace keepers faced was boredom. The post cold war era however saw the deployment of peace keepers in the absence of a cease fire, without the consent of the parties to the conflict where civilians were caught in the cross fire, and there was infact no peace to keep. Beyond simply monitoring cease fires, today's multi dimensional peacekeeping operations are called upon to facilitate the political process through the promotion of national dialogue and reconciliation, protect civilians, and assist in the disarmament, demobilization and reintegration of combatants, support the organization of elections, protect and promote human rights, and assist in restoring the rule of law. This means that peace keepers are today faced by more challenging tasks of not only monitoring the implementation of a ceasefire agreement but a wider scope of mandate which calls for more resources and better management right from the inception of a mission to the last day of withdrawal.

This study examines the administration of peace keeping operations in general but also narrows down to Kenya as the case study. This study demonstrates that it is incumbent upon the Troop Contributing Countries to the various peace keeping missions 'to cut right pieces of cloth' before deployment by ensuring that they negotiate favorable

terms with the UN as this will inform the conditions under which their troops will be deployed in the mission area. Equally the TCC should ensure that during the deployment phase, the spirit and the letter of the MOU and SOFA/SOM are implemented to the letter.

It is noted that the peace keepers are deployed to situations foreign to them, and they must attempt to preserve the fragile peace under very unclear and difficult conditions and which culminate into a myriad of problems such as psychological issues as a result of trauma, family break ups. Other problems associated with deployment in peace keeping operations, boredom which may lead to abuse of alcohol and cigarette, lack of a proper communication framework between the troops and their families back at home, inadequate pay and allowance especially for peacekeepers deployed in Kenya Battalion lack of proper military gear to name but a few. These issues have gone a long way in dampening the morale of the troops and coupled with other emerging challenges of the PKOs hence making it difficult to achieving the mandate as set by the sending authorities.

This study examines the experience of personnel previously deployed in peace keeping missions as peace keepers, military observers and staff officers and officers who are deployed in operations and training branch in charge of such deployment with a view to tap their knowledge in the area of peace keeping operations.

1.1 Statement of the Research Problem

While peacekeeping operations are, in principle, deployed to support the implementation of a ceasefire or peace agreement, they are often required to play an active role in peacemaking efforts, early peace building activities and protect civilians under very difficult circumstances. Peacekeeping operations may also use force at the tactical level,

with the relevant authorization, to defend themselves and their mandate, particularly in situations where the State is unable to provide security and maintain public order. This therefore means that there is need for the peace keeping personnel to be well prepared, versed with their mandate and there be in place mechanism to check on their morale and welfare. To this end, an ill prepared, poorly remunerated, frustrated peace keeper will not execute his mandate as expected by the sending authority and this may result to non fulfillment of that particular mission. This may mean a relapse of a conflict and /or lack of a stable environment within which the parties can negotiate for peaceful coexistence amongst themselves. Resultantly, development in such conflict prone will be alien and there will massive suffering by the civilian population.

This study further appreciates that there have been several peace keeping missions both by the UN and other non UN organisations and though some like the UNTAG have been successful others like the OAU Mission in Chad were a failure. This study therefore examines peace keeping operations right from inception to deployment stage and even during post deployment stage and finds out what ails peacekeeping missions and whether the troop contributing countries could be part of the problem.

1.2 Objectives of the Project

The project objectives will be:

- i. To study the administration of Peace Keeping Operations.
- ii. To study the administration of Peace Keeping Operations in the Kenya Defence Forces.
- iii. To identify the gaps in administration of peace keeping operations by the Kenya Defence Forces and discuss how to address them.

1.3 Literature Review

This section presents and discusses the theme of the project, demonstrates various scholarly works on the subject, identifies the gaps in the existing literature, shows where the study enters the debate, and shows the justification. It starts by defining Peace Keeping Operations, the purpose of peace keeping operations, highlights some of the challenges faced in such PKOs, literature of how personnel in PKOs have been administered in the past and finally enter the debate by demonstrating how Kenyan peace keepers have been administered in the past, identify the gaps in the existing framework and demonstrate how such gaps can be addressed to better Kenya's involvement in peace keeping operations.

Though there is no common definition of the term peace keeping and indeed nowhere is it mentioned in the UN Charter, the term peace keeping operation (PKO) is a post conflict peace building component geared at establishing sustainable peace in a post conflict society. The International Peace Academy defines PKO as "the prevention, containment, moderation and termination of hostilities between or within states, through the medium of a peaceful third party intervention organised and directed internationally, using a multinational force of soldiers, police and civilians to restore and maintain peace."¹ Similarly, the former UN Secretary General Boutros Ghali in July 1992 described peace keeping as the deployment of a UN presence in the field, hitherto with the consent of all parties concerned, normally involving UN military and /or police personnel and civilians.² Quinn however defines PKO as non combat military operations (exclusive of self defence) conducted by UN authorised forces with the consent of all

¹ Rikhye, I. ' *The Thin Blue Line* ', New Haven: Yale University Press, 1974 p 102

² Ghali, B.B, ' *An Agenda for Peace* ', New York: United Nations, 1992 p 52

major belligerent parties, designed to monitor and facilitate an existing truce agreement.³ Lewis⁴ also notes that peacekeeping has been redefined as a cooperative activity, requiring the integration of a multiplicity of actors within peacekeeping missions, as well as coordination between UN mission and other players in the field who are not directly linked to the mission (e.g. civilians, governments, police forces, humanitarian aid workers, the media, etc.).

Africa has continued to experience civil conflicts since independence. Garuba argues that, conflict is conceived as the incompatibility of goals, interests and objectives and is endemic to human relations⁵. Mwagiru argues that conflicts within sub regions should not be seen as individual conflicts concerning only states within the sub region⁶. These conflicts are precipitated by many factors amongst them sharing of resources, ethnicity cultural, economic, political and other social reasons.

The post Cold War in Africa has gone down in history as an era of distress, fear and deadly conflicts. According to the Secretary General's report, in 1996 alone, 14 out of 53 countries in Africa witnessed intrastate armed conflict and this called for peace keeping operations. These conflicts accounted for more than half of all war related deaths worldwide and resulted in over eight million refugees, returnees and internally displaced persons⁷. It is against this background that many peace keeping missions have been

³ Quinn, D., *Peace Support Operations and the US Military*, Washington, D.C.: National Defence University Press, 1994 p543

⁴ Lewis, W. *Peace Keeping: Whither U.S. policy?* Quinn 1994: p185

⁵ Garuba, C (Ed) *Capacity Building for Crisis Management in Africa*. Lagos, Nigeria: Gabumo Publishing Company, 1998 p 25

⁶ Mwagiru, M *Conflict Management in the Horn of Africa: Redefining an Emerging African US Relationship.* Paper presented at the 6th Kenya-US Studies Association Colloquium on "The future of US-Africa Relations" Egerton University 7-12 p.9

⁷ *The Causes of Conflict and Promotion of Durable Peace and Sustainable Development in Africa,* Report of the Secretary General, A/52/871-8/1198/318 of April 1998 Para 3.

deployed in Africa and many authors and writers have evaluated the challenges of peace keeping operations in Africa.

According to Mwagiru, financial and political problems together with logistical shortcomings occasion peace keeping operations in Africa⁸. He notes the difficulties encountered in moving officers and men, material across international borders and complexity that accompany the getting of peace keepers from different states and different armed forces and therefore different philosophies in conflict.

Wainhouse discusses the most critical problems associated with peacekeeping operations⁹. These are unclear mandates, lack of proper arrangements with host countries for operations, inadequate financing, inappropriate size and type of operation and the problem of command and control of peace keeping operations.

The defects of the U.N. forces in the Congo were related to the capability to direct the operations; the capability of ONUC commanding officers was, to a certain extent, limited. During the early stage of its operation, ONUC was comprised mainly of the military forces of African countries, backed up by contingents from Ireland and Sweden. Later, Asian forces also took part. The western forces were assigned to maintenance of airfields and communication facilities, and transportation of personnel and materials; African, Asian, Swedish and Irish officers actually commanded the operations. If commanding one's own forces requires a considerable amount of training and experience, commanding allied operations is a much more difficult task.¹⁰

⁸ Mwagiru M, '*Conflict, Processes and Institutions of Management*', Nairobi: Watermark Publications, 2000 p 147

⁹ Wainhouse ,D, '*International Peace Keeping at the Cross Roads: National Support Experiences and Prospects*' ,Baltimore &London: John Hopkins University Press,1973 p 765

¹⁰ Kotani,H,' *Peace Keeping :Problems for Smaller Countries*', International Journal Vol 19 No.3(Summer,1964) pp 300-410 at p 322

The OAU contingent in Chad did not have the necessary financial backing for the peace keepers. OAU Secretary General Kodjo acknowledged the organization's failure in 1981 and endorsed offers of support from non African states. Rather than channel funds through the OAU it was decided that there be bilateral arrangements with the financial and logistical providers and the member states providing peace keepers and the OAU itself.¹¹

In 1993, UN Peace keepers from United States were killed in Somalia and this led to the US non intervention in the Rwanda genocide in 1994 and also discouraged other countries from doing so. Resultantly, UNAMIR in Rwanda became the biggest failure of the UN. This situation escalated and the extremist factions forced the withdrawal of the UN by killing its peace keepers¹². It is however noted UNAMIR also faced leadership challenges; the overall commander of the was a Canadian General Romeo Dallaire and political leadership was the UN Special Representative, Jacques Roger Booh Booh. General Dallaire had no experience in peace keeping operations but was excited about going to Africa and unaware of what awaited him. He once said 'I confess that when General Roy called, I did not know where Rwanda was or exactly what kind of trouble the country was in.'¹³ The Commander at one point indicated that had he known about earlier reports on human rights abuses in Rwanda, he would have insisted for a bigger force and a better mandate. As the other hand, the UN Special Representative did not enjoy the confidence of many of the Rwandese parties.¹⁴

¹¹ Africa News Summary ,October 27,1981,p 22-30

¹² United Nations, '*The Blue Helmets: A Review of the United Nations Peace Keeping*', New York: United Nation Publications, 1996 p 512

¹³ Dallaire, R, '*Shake Hands with the Devil: The Failure of Humanity in Rwanda*' , Ottawa: Arrow Books, 2004 p 23

¹⁴ Adebayo, A, In Ian Taylor. '*Africa in International Politics: External Involvement on the Continent*' ,Routledge,2004 p197

Boyd attributes the problems of peace keeping operations to political factors which creates difficulties in reaching agreements on the proper role of the UN and the willingness of nations to earmark forces for operations, legal and financial problems ,lack of military doctrine on threat assessment and readiness to adopt measures before crises¹⁵. He also identifies the problem of logistics, communication, intelligence consideration, and training of personnel and administration of PKOs. Similarly, Ghali notes that the difficulty in obtaining of resources from member states and adequate financing has led to unacceptable delays in the deployment of peace keeping for emergencies.¹⁶

According to Waldheim, PKO have also experienced pressure from outside, international ambitions, ideological, religious factors and economic interests. This has caused the tilting of the balance as power politics comes into play hence lack of consistent and reliable system for maintaining international peace and security; based on respect of all nations for the UN Charter and Security Council's decisions.¹⁷

Malan also notes that the circumstances under which the UN Peace keeping mission forces are deployed and the complexity of the task require a thorough selection process. He furthers echoes the need for balance between the soldiers' inherent desire for quick, decisive action with sensitivity for the long term strategic aims and restraint of the mission.¹⁸

Hundt against the above scholars posits that a soldier should however be able to comply with some conditions once deployed in their areas of operations. These are

¹⁵ Boyd ,J '*United Nations Peace Keeping Operations: A Military and Political Appraisal*' ,London & New York: Praeger Publishers,1971p 176

¹⁶ Ghali B.B_'*Confronting New Challenges*' , New York: Publications ,1995 p 134

¹⁷ Waldheim K, *Building the Future Order, The Search for Peace in an Independent World* .New York: Free Press ,1980 p 45-50

¹⁸ Malan,M,' *Foundations for Regional Security: Preparing to Keep the Peace in Southern Africa*' ,*Africa Security Review* Vol 5,No.1,(1996) pp 5-20 at p 13

adaptability to geographical areas and different emotions and conflict situations, ability to deal with psychic stress as a result of trauma of victims and death of children, self discipline in prevention of epidemics ,venereal diseases, HIV and when entering the land mine prone areas hence the call for specific rules to peace keepers for out of bound areas.¹⁹ He also states that soldiers should have the ability to be the magnifying glass of other defence forces and local population about their sending states and be good ambassadors of their country.

Pathman also observes that lack of understanding of the different cultures in the peace keepers' area of operation has in the past generated a lot of problems in PKO. A case in point is the second UN Mission in Somalia which ran into serious difficulties owing to peace keepers non cognizance of Somali culture and the role of the clan system in conflict management .The UN Mission was deployed with a peace enforcement mandate "with the whip in the hand" and the peace keepers sought after the clan leader General Farrar Aideed who at that time was perceived to be the intransigent in the quest for peace²⁰ .This culminated into sympathy from the tribesmen and supporters leading to a revolt and the mission became untenable. Pathman further notes that this has also been a problem in the Arab world where the dress code is strictly watched and there is limited socialization with female persons, use of gestures and drinking which have attracted hostile reactions.

Peace keeping forces should also not assume the status of an occupying forces meaning that the individual peace keepers is required to respect the host nation laws,

¹⁹ Hundt U, 'Coping with Peace Keeping', *Salut*, Vol 3 No.1 (1996)p 37-38 at p35

²⁰ PathMan R., *Disarming Somalia: The Contrasting of and Australian Peace Keepers during UN Intervention*. Cambridge :Cambridge University Press 1992-1993 p 510

traditions customs and cultures. Peace keepers should always act within the precincts of international law, UN mandate and the Status of Forces Agreement.²¹

It is against this background that this study enters this debate and demonstrate that with the new complexity of peacekeeping missions and the challenges encountered by peacekeepers on the ground, there is need for TCC to better the administration of PKO and ensure that they negotiate the best of the terms to govern their involvement in the missions, properly induct their troops into the mission mandate, deploy the right number of personnel, deploy serviceable equipment, establish communication system between the peace keepers and their families, improve peace keepers pay to name but a few. These factors amongst others go to the core of enhancing the morale of the peace keepers and to a large extent improve a country's participation in PKOs. This study appreciates that the existing literature on peace keeping does not address the administration of the operations right from the inception to the withdrawal stage, without which the overall goal of peace keeping cannot be achieved. This study therefore focuses on identifying the root cause of failure/challenges of PKOs though from the contributing country perspective.

Firstly, the predeployment training should be reevaluated to ensure that the following areas are covered; International Humanitarian Law, Law of Armed Conflict, Rules of engagement, The UN and the Mission Mandate, gender issues, children's rights and child protection, sexual exploitation and abuse (SEA), human trafficking, civil military cooperation (CIMIC), cultural awareness and sensitivity.²² The need for gender training was recognized as a priority area by the UN to ensure that peacekeepers learn about gender issues as articulated in Security Council Resolution 1325 on women, peace and

²¹ Jett ,D'*Why Peace Keeping Fails* ' New York: Palgrave Publishers Ltd,1999 p 45

²² Dahrendorf,N, '*A Case for Change* ', London:, International Policy Institute,2003 p 40

security. The resolution calls for a wider participation of women in peace keeping operations, negotiation of peace agreements and their implementation.

Language barriers among peacekeepers themselves, differing rules of engagement and different training backgrounds have also made it much more difficult to bring different contingents together in the field, emphasizing the need for a level of commonality in training across contingents'.²³ A review of the training programme will ensure that peace keepers have the best overall picture of what is expected of them in the field. This study therefore demonstrates that the predeployment training conducted by the relevant training centre before deployment of troops is wanting in some areas.

This study also demonstrate that deployment in the areas of operations there is a missing link in terms of the threat assessment, collection of intelligence information and synthesis of the information and which information informs the next of course of action. As observed in the cybernetic model, contingents have to be aware of their operating environment, collect the intelligence and process it to action. This is because post cold war peacekeeping operations have emerged in response to a wide range of difficult problems, particularly internal conflicts or the breakdown of law and order²⁴ and peacekeepers are liable to find themselves in difficult situations. In the circumstances, undertaking roles such as protecting humanitarian aid, disarming factions, monitoring fragile ceasefires, preventive deployment and negotiating agreements coupled with the emerging concept of the right to protect the civilians of those nations becomes difficult. There is therefore need for accurate threat assessment on the violators and their

²³ Louise D. B 'The Civilian in the Crossfire' Journal of Peace Research Vol 24, No.3(1987), p253

²⁴ Downes, C, 'Challenges for Smaller Nations in the New Era of UN and Multinational Operations', in Smith, H (ed.), *Peacekeeping - Challenges for the Future* (Canberra: Australian Defence Studies Centre, 1993); and 'Demobilisation after Civil Wars', in IISS, *Strategic Survey 1993-1994* (London: Brassey's for the IISS), p. 25-31.

conduct of their operations. For example in April 2009 MONUC began analyzing patterns of sexual violence in order to generate a risk model that might help them predict and hence prevent future abuse.²⁵ This is because ‘atrocities committed during civil wars may be patterned but they do not occur uniformly across time and space. Violence comes to different cities, towns and neighborhoods at different times.’²⁶

As echoed by Weinstein peace keepers in conducting threat assessment should identify any ‘opportunistic rebellions’ as they are more likely to commit more indiscriminate violence against civilians because they tend to recruit individuals interested only in short term gains rather than promoting any particular ideologies²⁷. For example in 1999 in Sierra Leone a perfect example of these rebellions was the Revolutionary United Front who were responsible for the vast majority of violations suffered by victims of Sierra Leone war between 1991 and 2000.²⁸

The need for intelligence is being increasingly felt both by the UN and by states contributing to peacekeeping operations. Particularly in more complex and fluid situations, intelligence will be crucial in achieving the goals of the mission laid down by the UN Security Council. With more than 200 peacekeepers killed in 1993 alone, intelligence may also be important for the lives and well being of UN personnel on the ground. The greater hazards of contemporary peacekeeping have led governments to demand better intelligence both prior to making a commitment to an operation and during

²⁵ Holt, V and Taylor, G *et al*, *Protecting civilians in the Context of Peace keeping Operations*, New York: UN Department of Peace Keeping Operations (DPKO)/Office of the Coordination of Humanitarian Affairs (OCHA), November 2009 P 89.

²⁶ King, C ‘*The Micropolitics of Social Violence*’ *World Politics* Vol 56, No.3(2004), pp 447-510 at p480

²⁷ Weinstein, J ‘*Inside Rebellion: The Politics of Insurgents Violence*,’ Cambridge University Press, 2007, p 20, 47-50, 207-208)

²⁸ The truth and Reconciliation Commission of Sierra Leone identified 17 types of violations abduction, amputation, arbitrary detention, assault/ beating, destruction of property to name but a few ‘Statistical Appendix to the Report of the truth and Reconciliation Commission of Sierra Leone by Richard Conibere et al October 5, 2004

its deployment.²⁹ Intelligence is required at all levels and is needed in both the planning and deployment of peacekeeping.

This study demonstrates that the existing structure of intelligence in peacekeeping operations is *ad hoc* both at planning and at deployment. The UN's inability to conduct adequate advance planning is one of the acknowledged defects of peacekeeping and is one of the areas currently being strengthened.³⁰ The wide array of information is critical for the survival of the troops and the success of the missions as a whole. Of course there are challenges associated with collection of intelligence by virtue of difference in training and ideologies. Another major problem is the influence from the national government and how to handle the information that is whether to share the information or not with other defence forces deployed in the mission.

The aspect of administration of PKOs be it personnel, deployment of equipment, amongst other and more so on the part of TCC has not been researched on and not much specific literature address the gaps and the way forward on how to address such gaps. This study therefore looks at the deployment of the Kenya Defence Forces in PKOs the specific challenges identified in the course of the study, how such challenges have been dealt with in the past, the effects of such gaps on the PKOs and put across suggestions that KDF can borrow a leaf from in improving its participation in future PKOs.

²⁹ Mars R. B, 'Fateful Encounter: The United States and UN Peacekeeping', *Survival*, vol. 36, No. 1, (Spring 1994), pp 46-70 at p 56.

³⁰ The Report of the UN Secretary- General, 'Improving the Capacity of the United Nations for Peace-Keeping'. pp. 36-37.

1.4 Justification of the study

This study is inspired by the lack of literature on the subject of administration of PKO from a contributing country's perspective. Kenya has earned itself a name in the sphere of peace keeping operations but as the old adage goes "all that glitters is not gold" this study seek to go beyond the classical problems associated with PKO and interrogate the Kenyan's experience by studying the deployment of KDF in peace keeping operations and examine experiences from personnel who previously served as peace keepers in Yugoslavia, Namibia, Congo, Sierraleone, Eritrea, Burundi, Sudan, East Timor. This study therefore seeks to examine Kenya's participation in PKO and more so from the peacekeepers perspective and whether there are areas Kenya can improve as a troop contributing country. The study will add to the body of knowledge on the subject of peace keeping operations and in specific contribute towards a better understanding of the challenges facing the peace keepers at their individual level and how TCC can better their participation in PKOs.

The study can be relied on by the Defence Council as a point of departure in further interrogating the areas discussed in the study and improve on the plight of the peace keepers and KDF's participation in PKOs in general.

1.5 Theoretical Framework

This study appreciates peacekeeping as a tool often applied to manage conflict. The study is informed by the relative deprivation theory and human needs theory. According to Mwangiru, relative deprivation is the discrepancy between value expectation and value achievement that is, what people are rightly entitled to, and what they are

capable of getting and retaining.³¹ Mwangiri further observes that relative deprivation is activated by the reference group which a person compares oneself, and one's fortunes, with. It is the reference group that changes and conditions people's perceptions of what to expect and what to believe they are entitled to.³² From the import of this theory, this study argues that peace keepers will tend to compare themselves with their colleagues deployed in missions in different locations for example Kenya Battalion in United Nations Mission in Eritrea and Kenya Battalion in United Nations Mission in Darfur with military observers and staff officers. Secondly, Kenyan peace keepers may compare themselves with other peace keepers from other defence forces and assess the difference that exists in the living conditions, pay and allowances, recreational facilities, provision of medical services and other aspects of sustenance in the mission area. Therefore in situations where peace keepers feel they are not at par with their colleagues or feel that their colleagues are treated differently, though depending on the sending country, the peace keepers will feel deprived and may in the long run exhibit it in form of low output or lack of morale in performing their duties. This will in turn lead to improper execution of the mission mandate and the peace being pursued will then become very remote and foreign.

For member states seek to fulfill their mandate of maintaining peace and security, it is necessary to remember that the mandate is executed by the peace keepers hence the need to ensure that their needs, concern and welfare is well guarded. This proposition is informed by the human needs theory as espoused by John Burton. Human needs theory posits that there are certain ontological and genetic needs which will be

³¹Mwangiri M, *Conflict: Theory, Processes and Institutions of Management*, Nairobi: Watermark Publications, 2000 p 21

³² Ibid p45

pursued and that socialization processes ,if not compatible with such needs will lead to frustration and anti social personal and group behaviour.³³According to Burton, the whole basis of law and order is threatened in circumstances in which basic needs are frustrated.³⁴To this end, this study will show that proper administration of peace keepers and in the larger context of KDF improving its participation and image in the arena of peace keeping operations, it will ensure that the ontological and other basic human needs are safeguarded and the failure to do so may result to frustration amongst the peace keepers and this will have a spiral effect on the mission as a whole.

It is however noted that to date, peace operations have been undertheorized. Where they have been studied conceptually, peace operations have been viewed through the lens of problem solving theory. Although such approaches are useful and important, particularly because they help to guide future action, they provide only partial explanations and limit the scope of creative thinking and practice. In a similar vein, Roland Paris has correctly identified a prevailing problem in peace keeping literature 'the study of peace operations has generated a great deal of micro theory but very little macro theory'.³⁵

1.6 Hypotheses

Three hypotheses will be investigated in this study;

- i. A contributing country's in peace keeping operations should not concern itself with the process and administration of such operations.

³³Christie,D,J , ' *Reducing Direct and Structural Violence :The Human Needs Theory in Peace and Conflict* ', *Journal of Peace Psychology*, Vol 4 No.3,(1997) p 315-332

³⁴ Burton,J, ' *Violence Explained :The Source of Conflict, Violence and Crime and their prevention* ', Manchester : 1997 p32-40

³⁵ Paris,R, ' *Broadening the study of Peace Operations, International Studies Review* Vol 2 N0.3 (Fall 2000) p30-33

- ii. The process leading to peace keeping and the administration thereof is key to the morale of the troops and overall performance of a contributing country.
- iii. Peacekeeping operations should be administered right from the inception through the stages of deployment and withdrawal of the operation.

1.7 Methodology

This study is guided by both primary and secondary data.

1.7.1 Primary Research

For purposes of gathering data the research was conducted in open interviews. The selection of the interviewees was guided by the area of expertise, knowledge of the subject matter and previous deployment in a peace keeping mission. Considering the fact that researcher works within the organization as a legal officer it was easy to seek appointments and conduct interviews with the interviewees. All the requests for interview were responsive save for some of the interviewees 'sugar coating' their experience in the mission areas. The interviews focused on broad themes of the study but depending on whether the interview had vast knowledge on the subject, the answers were very enlightening. The questionnaires consisted of fifteen specific questions but again depending on the interview and his area of expertise, there were slight adjustments with a view to bring out the better picture of the subject topic. The interviews were conducted face to face with the interviewees in their offices or designated areas. The researcher was armed with a portable laptop and typed the answers during the interviews and this was later used for coding, management and analysis. All the interviewees are serving, a retired military personnel and one civilian from the Ministry of State for Defence. The

researcher also gave out structured questionnaires to serving military personnel and sought to know their diverse experience from peace keeping missions they previously served.

1.7.2 Secondary Research

The secondary data was obtained from analysis and review of books, journals, papers, reports, UN Security Resolutions, Status of Forces Agreements, Memorandum of Understanding between the Government of Kenya and UN, and other available literature on the issue of peace keeping operations. The data will be analyzed using content analysis. Content analysis is a technique for making inferences by objectively and systematically identifying specified characteristics of responses and objectively identifying and using the same approach to relate trends. The results will be presented under identified themes.

1.8 Chapter Outline and overview of Chapters

This study consists of five chapters which are structured as follows;

In this Chapter (Chapter one) a general introduction to this study is presented. The chapter captures the conceptual background of the research .It articulates the justification of the study, objectives, the literature review, theoretical framework and the methodology applied in the study.

Chapter Two –Peace Keeping Operations

This Chapter discusses the process to peace keeping operation both from the UN and the contributing country perspective.

Chapter Three-Administration of Peace Keeping Operations

This Chapter discusses administration of Peace Keeping Operations in general and captures the standard operating procedures that guide such administration.

This Chapter Four –Administration of peace keeping operations by the Kenya Defence Forces. This Chapter examines how KDF customizes the standard procedures issued by the UN and any other to better suit its troop for deployment. This will involve a discussion of the three phases; predeployment phase, deployment and post deployment phase.

Chapter Five-Conclusion

CHAPTER TWO: THE PROCESS LEADING TO PEACE KEEPING OPERATIONS

2.0 Introduction

This Chapter starts by examining the various definitions of peace keeping operations those from the United Nations (UN) perspective, former Secretary Generals and scholars. It then interrogates the process leading to peace keeping operations with a view to demonstrating the road map to participation of a state in peace keeping operations; the requirements during participation, the logistics and what is required of the peace keepers. The Chapter demonstrates that the subject process is twofold: the obligations on the part of the UN or regional organization, and on contributing country. This is premised on the basis that for a peace keeping operation to be successful the UN /regional body there has to be a working relationship between the main players being the TCC and the UN or a regional organization which will then trickle down to the individual peace keeper.

2.1 Definition of Peace keeping Operations

Peacekeepers are deployed with reference to Chapter 6 of the UN Charter. The United Nations (UN) has defined a Peace Keeping Operations (PKO) as one 'involving military personnel, but without enforcement powers, undertaken by the UN to help maintain or restore international peace and security in areas of conflict.'¹ The UN has also defined PKO as UN field operations that operate under the UN's command and control, using force to the minimum extent necessary, and with the consent of the parties concerned, to assist in the implementation of agreements reached between governments

¹ UN '*The Blue Helmets :A Review of United Nations Peace keeping*' ,2nd (Ed) United Nations:NewYork,1990,p4

or parties that have been engaged in conflict.² Similarly, the UN Secretary General Boutros Ghali in July 1992 described peace keeping as the deployment of a UN presence in the field, hitherto with the consent of all parties concerned, normally involving UN military and /or police personnel and civilians.³

According to Findlay, PKO may in its broadest terms be defined as the deployment of UN or other multilateral personnel in the field of conflict prevention and management. He further notes that attempts at defining peace keeping more specifically have always been bedeviled by the “peculiar nature of the beast”.⁴ The International Peace Academy defines PKO as “the prevention, containment, moderation and termination of hostilities between or within states, through the medium of a peaceful third party intervention organised and directed internationally, using a multinational force of soldiers, police and civilians to restore and maintain peace.”⁵

In the wake of Somalia experience Quinn defines Peace Keeping as non combat military operations (exclusive of self defence) conducted by UN authorised forces with the consent of all major belligerent parties, designed to monitor and facilitate an existing truce agreement.⁶ On the other hand, Lewis notes that peacekeeping has been redefined as a cooperative activity, requiring the integration of a multiplicity of actors within peacekeeping missions, and coordination between a UN mission and other players in the field who are not directly linked to the mission for example civilians, governments, police forces, humanitarian aid workers and the media.⁷ Diehl defines PKO as a mode of

² United Nations *Peace Operations. Year In Review*,2010

³ *ibid* p8

⁴ Findlay, T, ‘*Challenges for the New Peace Keepers*’, New York: Oxford University Press, 1996 p 37-50

⁵ *Ibid* p4

⁶ Quinn,D.‘*Peace Support Operations and the US Military*’, Washington,D.C.: National Defence University Press,1994 p543

⁷ Lewis,W‘ *Peace Keeping: Whither U.S policy*’ New York: Quinn Publishers1994:p185

third party intervention in conflict management which could be applied singly or in combination with other modes of intervention such as judicial settlement, good offices of the Secretary General, humanitarian intervention and mediation.

In sum, peace keeping traditionally referred to non threatening and impartial action with the primary aim of preventing the recurrence of armed conflict; act as a physical barrier between the hostile parties and also monitor military movement. In this context, peace keepers were not expected to fight fire with fire and as a general rule they were deployed when the cease fire was already in place and the parties to a conflict had given their consent for such deployment. The troops were to observe from the ground and report impartially on adherence to the cease fire, troop withdrawal or other elements of peace agreements.⁸ However the role of a peace keeper has evolved over time from a traditional peace keeper who acted as a buffer zone between warring parties to an early peace builder.

2.2 Process at the United Nations

The UN Charter confers on the Security Council, the role of maintenance of international peace and security. Article 24 (2) notes that the Security Council will in the discharge of its mandate apply mechanism in Chapter VI, VII, VII and XIII of the Charter. The Security Council monitors a conflict, and may depending on the security situation send out a technical field assessment team to the country or territory where the deployment of a peacekeeping operation is envisaged. The assessment mission analyzes and assesses the overall security, political, military, and humanitarian and human rights situation on the ground, and its implications for a possible operation.

⁸ Diehl, P, '*International Peace Keeping*', Baltimore and London: John Hopkins University Press ,1993 p 103

Based on the findings and recommendations of the assessment mission, the UN Secretary General issues a report to the Security Council (SC) containing options for the establishment of a peacekeeping operation as appropriate including its size and resources. The report includes financial implications and statement of preliminary estimated costs. The SC will then deliberate on the best option on managing the conflict and it decides to deploy a peace keeping operation, it will issue a resolution. The resolution will normally contain the mandate, size and the tasks required of the mission. The budget of such an operation is then forwarded to the General Assembly for approval. For the mandate to be achievable it should be clear, concise and attainable. A clear mandate in its construction will in the long run mean that its implementation will not faces challenges, a constant hurdle which in the past has prevented the successful implementation of a mandate. A case in point is the peace keeping mission in Yugoslavia where the UN failed to construct a mandate that addressed the problem and for allocating inadequate resources to support that mandate.

One may however be interested in interrogating the conditions precedent or the trigger factors before the UN decides to deploy in a certain conflict situation. Research has revealed that considerations of power and national interest of the permanent five has been in influencing where to deploy peace keepers.⁹

For the UN to start a PKO, the Security Council has to satisfy itself of the following conditions: the situation endangers or constitutes a threat to international peace and security, that a regional or sub regional organisation is not ready to assist in resolving the situation; that a cease fire exists and the parties are committed to the peace process,

⁹ Michael Gillian and Stephen Stedman, 'Where do the Peace Keepers Go?' *Journal of International Studies Review*, Vol 5, No. 4, 2003. p23-40 at p 37

that a political goal exists and it can be reflected in the mandate and that a clear mandate can be formulated. If these conditions cannot be satisfied, then the Security Council should consider whether or not peace enforcement is the most appropriate way forward.¹⁰

The issue of the mission mandate goes to the core of a peace keeping operation because once deployed, peacekeepers must be able to carry out their mandate professionally and successfully. This means that the deployed military units whether affiliated to the UN, regional organisations or the hybrid¹¹ must be capable of defending themselves, other mission components and the mission's mandate. Rules of engagement should be sufficiently robust and not force United Nations contingents to cede the initiative to their attackers.¹² Considering that peace keeping missions are not provided for in the UN Charter, it has been argued that their legal basis is the mandate given to them¹³ hence the more reason why the mandate has to be achievable. As argued by Bellamy, mission mandate can be used as the benchmark to check whether a peace operation has accomplished its objectives or not. For instance, traditional peacekeeping aims to create conditions conducive to the conclusion of a political settlement by the parties to a conflict, whereas operations that manage transitions oversee sometimes extensive societal and political transformation.¹⁴ It should however be noted that as observed by Durch 'mandates tend to reflect the political play in the sending authority be

¹⁰ ICISS, *Basic Principles, The responsibility to protect; Report of the International Commission on Intervention and State Sovereignty*. PXI

¹¹ A hybrid peace keeping operation is one which elements from the United Nations and a regional organisation are deployed as part of the same mission under joint leadership a good example being the UN –AU hybrid Mission in Sudan, UNAMID.

¹² *Journal by American Society of International Law on United Nation: Report on the Panel on United Nation Peace Operations*, Vol 39, No.6

¹³ Final Report on the In Depth Evaluation of Peace keeping Operation: Start Up Phase , UN Office of Oversight Services ,March 17,1995 paragraph 11.

¹⁴ Alex J. Bellamy, Paul Williams, and Stuart Griffin, '*Understanding Peace Keeping*' Cambridge Polity, 2004 p 28.

it at SC within the UN or any other body within the non UN organizations.¹⁵ This can be attributed to interests by some member states for example the permanent five at the SC or the hegemony at the regional levels or on the basis of faulty assessments of the situations.

Berdal points out that;

Security Council Mandates, by their very nature, will continue to embody political compromises reflecting the competing interests of member states. As such they are unlikely ever to satisfy a ground commander's wish for "unambiguous mission Statement" a wish that in any UN mounted peace keeping operation is likely to be unfulfilled.¹⁶

This therefore means that there are instances when the mandate fails to serve the mission as in the case of Bosnia where Ignatieff noted that 'having failed diplomatically in Bosnia, the West then fell back on a peace keeping strategy whose mandate was woefully inadequate to the realities on the ground.'¹⁷ The task in Somalia was never clear and troops in the former Yugoslavia were not sure of what they were supposed to be doing it.¹⁸

As noted by Findlay the current practice in formulation of peace keeping mandates has been that the Secretary General is presented with a resolution specifying troop levels on paper, not knowing whether he will be given the troops and other personnel that the mission needs to function effectively, or whether they will be properly equipped¹⁹. He argues that the most practical approach would be that, once realistic mission requirements have been set and agreed the Council should leave its authorizing resolution in draft form until the Secretary General confirms that he has received troop

¹⁵ Durch W 'The Evolution of UN Peace Keeping', New York :St.Martins's Press,1993pp 9

¹⁶ Ibid p 8

¹⁷ Ignatieff,M 'The Hopeless War' New York Times Book Review ,February 26 1995

¹⁸ Terence O'Neil, 'UN Peace keeping: Expectations and Reality', Irish International Studies Affairs, Vol 13,2002 p 379

¹⁹ Boulden,J, 'Mandates Matter: An exploration of Impartiality in United Nations Operations', Global Governance, Vol 11, No.2,2005 p 78.

and other commitments from Member States sufficient to meet those requirements. This will alleviate the problems of starting off a mission only to have the mandate changed or mission called off because of inadequate resources in terms of personnel or equipment

In light of the foregoing and with a view to cure the challenges faced in implementing mission's mandate, the TCC should be invited to consult with the members of the Security Council during mandate formulation so as to afford them an opportunity to walk through the process and understand the rationale informing the mandate and what is expected of their troops. Troop contributors should also be invited to attend Secretariat briefings of the Security Council pertaining to crisis that affect the safety and security of mission personnel or to a change or reinterpretation of the mandate. TCC should also be accorded the opportunity to interrogate the mission mandate with a view to rule out ambiguity and weakness in the mandate. Notably, the UN assessment of peace keeping in Somalia identified the mandate as being too vague, weak and changed frequently during the process and was open to myriad interpretations.²⁰

2.3 Appointment of Mission Staff

The Secretary General normally appoints a Head of Mission usually a Special representative to direct the peacekeeping operation. The Head of Mission reports to the Under Secretary-General for Peacekeeping Operations at the UN Headquarters. The Secretary General also appoints a peacekeeping operation's Force Commander and Police Commissioner, and senior civilian staff. The Department of Peace Keeping Operation (DPKO) and the Department of Field Support (DFS) are then responsible for staffing the civilian components of a peacekeeping operation.

²⁰ Comprehensive Report on Lessons Learned from United Nations Operations in Somalia, December 1995

It is however essential to assemble the leadership of a new mission as early as possible at United Nations Headquarters, to participate in shaping a mission's concept of operations, support plan, budget, and staffing and Headquarters mission guidance. To that end, the Secretary General should compile, in a systematic fashion and with input from Member States, a comprehensive list of potential special representatives of the Secretary-General (SRSGs), force commanders, civilian police commissioners, their potential deputies and potential heads of other components of a mission, representing a broad geographic and equitable gender distribution.²¹ This is because clear command and control arrangements bring about cohesiveness amongst all mission elements. This will in turn allow efficient and effective implementation of the mandate and mission preparedness to respond to crisis situations and avert such crisis like in UNAMIR that was partly blamed on the wrong choice of the Force Commander who had zero experience in peace keeping operations and more so in Africa.²²

2.4 Planning and deployment

The Head of Mission in conjunction with the Department of Peace Keeping Operation and the Department of Field Support will lead the planning for the political, military, operational and support (i.e., logistics and administration) aspects of the peacekeeping operation. The planning phase usually involves the establishment of a headquarters-based joint working group or integrated mission task force, with participation of all relevant UN departments, funds and programmes. Deployment of an operation proceeds then as quickly as possible, taking into account the security and

²¹ Journal by American Society of International Law on United Nation: Report on the Panel on United Nation Peace Operations, Vol 39, No.6

²² Dallaire, R. '*Shake Hands with the Devil: The Failure of Humanity in Rwanda*', Ottawa: Arrow Books, 2004 p 20

political intrigues on the ground. It often starts with an advance team to establish mission headquarters and leads to a gradual build up to encompass all components and regions, as required by the mandate.

Considering that the UN does not have a standing army or a police force of its own, the UN will identify the contributing member states and call for the troops from such states while the civilian staff of peacekeeping operations are international civil servants, recruited and deployed by the UN Secretariat. It should however be noted that before deployment of the peace keepers for peace keeping purposes, consent from the host nation has to be sought. This is because a peace keeping operation can only be set in conflict areas with the consent of the parties.²³ Consent also applies to TCCs as they are required to provide military personnel for deployment to the mission areas. For instance, in Kenya, Article 240(8(a) of the Constitution of Kenya, 2010 provides for approval by Parliament for deployment of national forces in regional and international peace support operations.

Diehl observes that an attempt to deploy troops without permission of the host country would precipitate a confrontation hence defeats the aim of ending the hostilities and the troops in question lacking legitimacy. It is therefore trite to argue that peace keeping largely depends on cooperation with the host country. This explains the reason why it is important for a contributing country to negotiate a Status of Forces Agreement (SOFA) with the host country and equally so for the mission to sign a Status of Mission Agreement (SOMA) with the host country.

²³ F.T Liu, '*United Nations and Non Use of Force*' and D.W Wainhouse, '*International Peacekeeping at the Crossroads*', Baltimore: The John Hopkins University Press, 1973 p 13

In the implementation of their mandate, peace keepers should ensure that they do not lose the consent of the parties involved. Thus they should have a thorough understanding of the history and prevailing customs and culture in the mission area, as well as capacity to assess the evolving interests and motivation of the parties.²⁴ This is because lack of trust in a post conflict environment makes consent uncertain or unreliable. A case in point was in DRC Congo where there was evidence of manipulation of the mandate and when brought under pressure, it became unsustainable for the peace operation.²⁵ This may eventually lead to withdrawal of consent or restrictions on the peace keeping operations resulting in a *defacto* withdrawal of consent hence an impediment to the peace process.²⁶ In January 2010 the Government of Chad withdrew the consent that had allowed EUFOR to transition into a militarized MINURCAT and the Security Council not to renew the mandate for MINURCAT, which was set to expire in March the same year. The Chadian Government cited incomplete troop deployment, in the sense that only 3749 of the full authorised strength of 5500 military and police officers were deployed at that point and alleged that the mission was incompetent to fulfill its mandate. The government further asserted that following the weakening of the rebel forces, as well as the rapprochement with Sudan, Chadian Security forces would be in a better position to take up the protection role that the peace keepers had been mandated to perform.²⁷

Similarly, in intra state conflicts consent have to be sought both from the government of the day and other warring parties with a view to achieving a nod to the

²⁴ Principles and Guidelines of the United Nations Peace Keeping Operations,2008

²⁵ UN General Assembly ,Report of the Panel on United Nations Peace Keeping Operations (the Brahimi Report),21 August 2000,A/55/305-S/2000/809,PARA 48

²⁶ Ibid 63

²⁷ Annual Review of Global Peace Operations,2011

peace keeping operation failure to which the other parties could sabotage the operation. It should however be noted that universality of consent becomes even less probable in volatile settings, characterized by the presence of armed groups not under control of any of the parties or the presence of spoilers. A question as to whether consent has been achieved in the peace keeping missions in the past can only be assessed on a case by case analysis that will involve an in depth research and overcome the secrecy laws that shroud much of these operations, hence the conclusion that this is an area for further research.

2.5 Reporting to the Security Council

Following the launch of a peace keeping operation, the Secretary General is required to provide regular reports to the Security Council on the implementation of the mission mandate. The Security Council reviews these reports and briefings, and it is on this basis that the Council renews and adjusts the mission mandate, as required, until the missions is completed or closed. Although the UN has the most experience in authorizing and conducting peace keeping operations, the UN has not had a monopoly on them. This situation has become more prevalent in the recent years where non UN actors have conducted peace operations often without Security's Council's authorization. Since 1990 regional organizations have conducted ten peace operations: five by the Economic Community of West African States (ECOWAS), two under the mantle of the Southern African Development Community (SADC), one by the Economic and Monetary Community of Central African States (CEMAC), and two by the African Union (AU).²⁸

²⁸ Bellamy J, '*Who is Keeping the Peace: Regionalisation and Contemporary Peace Operations*', *International Security*, Vol 29 No.4 Spring ,2005

Chapter VIII of the UN Charter recognizes efforts by regional organisations in maintaining international peace and security before referring the matter to the Security Council provided that their activities are consistent with the purposes and principles of the United Nations. Recognizing that the UN could work together with other regional organisations to fulfill a shared goal of pacific dispute settlement and global justice, Boutros-Ghali notes that the future security order should realize the promise of Chapter VIII because 'regional action' could foster security and 'contribute to a deeper sense of participation, consensus, and democratization in international affairs.'²⁹ In fact he recognizes that Chapter VIII of the UN Charter deliberately leaves open and flexible what constitutes a regional organization, as it 'could include treaty-based organizations, organizations for mutual security and defense, those established for regional development or for cooperation on a particular topic or function, or groups created to deal with a specific issue of current concern'. The office of the Secretary General has in the past observed that:

In view of the enormously increased demand for international action it would seem timely now to reach a better common understanding of where the comparative advantage lies between the universal and regional organizations and how to optimize the contribution of each to join efforts in the maintenance of peace and security.³⁰

Eide notes that the involvement of regional organization is premised on the following cardinal principles; that the organisations have comparative advantage over the United Nations at the earliest stage of the peace operations process and a greater appreciation of the history, culture,

²⁹ Ibid 20

³⁰ Staff Paper Prepared by the UN Secretariat, *'The United Nations, Regional and Sub-Regional Organizations: Cooperation in the Peace and Security Field'*. Prepared for the Meeting on Cooperation Between the United Nations and Regional Organizations, United Nations Headquarters, 1 August 1994, p.3

and other regionally specific factors that are likely to influence the conflict resolution process; possess a greater connection to and knowledge of the primary participants in the conflict.³¹

Article 4(h) of the AU Constitutive Act affirms the right of the African Union to intervene in a Member State with respect to crisis situations. The Peace and Security Council is mandated to conduct peacemaking, peacekeeping and peace building. When called upon to do so the Military Staff Committee within the AU provides the Council with advice with regards to situations on the ground. The Peace and Security Council initiates any peace operations by analysing a potential or existing crisis situation, which if necessary is followed by the deployment of fact-finding missions to the trouble spots. The Council then makes a decision or recommendation to authorize and legitimize the AU's intervention in internal crisis situations. In specific, Article 7, item (e), of the Protocol on the Peace and Security Council, states that the Council can recommend to the Assembly of Heads of State, intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.

To supplement its efforts in maintaining peace and security the AU has also established an African Stand by Force (ASF) to cooperate where appropriate with the United Nations and sub-regional organizations in conducting peace operations. The ASF is comprised of five brigades from each of sub regions in the continent being: Southern, East, Central, West and North. Article 13 of the Peace and Security Protocol provides that the ASF will be composed of standby multidisciplinary contingents, with civilian and military

³¹ Asbjørn Eide, 'Peace-Keeping and Enforcement by Regional Organizations: Its Place in the United Nations System', *Journal of Peace Research*, Vol. 3, No. 2 (1966), p. 125-145

components located in their countries of origin and ready for rapid deployment at appropriate notice. Article 4(h) and (j) of the Constitutive Act of the African Union (CAAU) states that the ASF shall, *inter alia*, perform functions in the following areas: observation and monitoring missions, other types of peace support missions. preventive deployment, peace building, including post-conflict disarmament and demobilisation, humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and any other functions.

In terms of the specific modalities for launching an AU peace operation, the decision comes from the AU Peace and Security Council, which meets regularly at the level of ambassadors based at the organisations' headquarters in Addis Ababa, Ethiopia. The Council can also meet at the level of Ministers and Heads of State and Government to expedite vital decisions on the need to intervene in a member state to prevent human rights atrocities or manage a conflict situation. Operationally, after the Peace and Security Council has taken the decision, then the AU Commission on Peace and Security implements the decision with inputs from AU member states whereas the Peace Operations Support Division (PSOD) within the Commissions Directorate of Peace and Security oversees the logistical and operational issues pertaining to the deployment missions.

2.6 Process at the level of the Troop Contributing Country

Successful implementation of the mandate calls for the TCC to fulfill certain obligations namely executing of appropriate Status of Forces Agreement (SOFA) or Status of Mission Agreement (SOMA)³² and Memorandum of Understanding (MOU)³³ ; training of

³² Status of Forces Agreement are agreements between the TCC/PCC and the host country detailing the nature and status of their engagement, how to deal with troops, provisions pertaining arms, uniforms and which party has jurisdiction over the troops in cases of committing offences against the host nation.

their troops (both predeployment and during deployment), provision of equipments all geared to ensure that the troops are ready for deployment and that they full understand their task/mandate in their country of deployment. The contributing country should also not lose sight of the fact that mission preparedness goes hand in hand with having the right group of troops selected for the job. This is not to say that they discriminate but the selection should be done with a view to getting best in terms of physical fitness, sound health, discipline, integrity amongst other factors. This is because the conditions in most areas of deployment may require either special skill like those of deminers, divers, or are so harsh that only the stable and medically fit personnel can survive. Similarly, the current peacekeeping missions, especially those mandated to address multidimensional challenges in a deteriorating or fragile security environment, present complicated and often dangerous working environments for peace keepers hence the mandatory requirement for member States to provide their selected peace keepers with a comprehensive pre-deployment training.³⁴ The training should at least cover the following areas –

Introduction to United Nations Peace Operations with a view to ensure familiarity with how UN peacekeeping missions established and deployed by the Security Council and the UN Secretariat; effective mandate implementation, conduct and discipline. The peace keepers should be able to demonstrate an understanding of the United Nations norms of conduct, particularly regarding the prohibition of sexual exploitation and abuse, a

³³ Memorandum of understanding are executed between the TCC/PCC and the UN or a regional organisation with a view to address personnel matters and provision of equipment. This will however depend on whether it is wet or dry lease agreement.

³⁴ Core Pre-Deployment Training Material (CPTM) and the Specialized Training Material (STM) for Peace Keepers

good grasp of the culture in the host country³⁵, the standards of behavior required of them, the consequences of misconduct, their duties and responsibilities to report misconduct, the mandate of key entities to address conduct and discipline issues. The training should also cover the country brief. This introduces the peace keepers to the conflict, the cease fire agreement to be enforced and the current status of the peace keeping mission. Another aspect of the training is disarmament, demobilization and reintegration (DDR). The peace keepers should understand the main phases and processes of DDR, their respective roles and tasks in DDR processes, ability to safely destroy and handle light and small weapons. This amongst other areas should be covered in the predeployment training and with necessary modifications depending on the mandate and country of deployment.

The peace keepers should also be taken through other tenets of peace keeping operations as this will inform their conduct of business in the mission area once they are deployed. These are; non use of force; which according to Fabian it gives the UN or any other regional organisation the most leverage with the warring parties and optimal opportunity to modify their behaviour.”³⁶ Liu also observes that a peace keeping operation will only be acceptable to the warring parties, if it has no offensive intent and capability and will in no circumstances become a threat to them.³⁷ It is however appreciated that environments into which peace keepers are deployed are often characterized by the presence of militias, criminal gangs who actively undermine the peace process and pose thereat to the civilian population. In such situations therefore the SC has over time given ‘robust’ mandate to the peace keepers to

³⁵ This will ensure that they practice cultural diplomacy as provided in the 1954 Convention on protection of cultural objects in times of Armed Conflict.

³⁶ Fabian L.L, *Soldiers Without Enemies* (ed) Washington DC Brookings Institution, 1971 p 39-41

³⁷ Liu F.T, *United Nations Peace keeping and the Non use of Force*, Boulder: Rienner Publishers, 1992

use 'all necessary means' to deter attempts to disrupt the political process, protect civilians, and assist the national authorities in maintaining law and order.

The troops are also supposed to be impartial. This means the deployed troops will not interfere with the international affairs of the host government and should avoid favouritism on either party. Peace keepers should accord all parties equal treatment. However the question remains, whether complete impartiality can be achieved. Groom posits that peace keepers or the troop TCC go into peace keeping missions not for altruistic reasons but to safeguard their own strategic interests. However, impartiality in the long run helps the troops or the troop TCC gain the confidence and trust of the host country or warring parties. We argue that it is as important for peacekeepers to be impartial concerning, for example, which party in a freely conducted democratic election wins the election as it is for them to be non-neutral (i.e. not passive) with respect to violations of the peace and obstructions to their ability to implement their mandate. However the need for even handedness toward the parties should not be an excuse for inaction on the part of the peace keepers, they should not condone actions by the parties that violate the undertakings of the peace process but act with transparency, openness and maintain effective communication as to the rationale of their response.³⁸ Hammarskjold stressed the importance of impartiality in peace keeping so as achieving an international image or perspective. Recent discussions of peacekeeping have also stressed the vital importance of impartiality. Alan James, one of the most distinguished authorities on this topic notes: 'It is impartiality which gives peacekeeping its distinctiveness as impartiality is the lifeblood of peacekeeping.'³⁹

³⁸ Ibid 34

³⁹ James ,A, '*Peace Keeping in International Politics*', New York, St .Martin Press,1990 p.97

Thirdly is the issue of legitimacy of the peace keeping operation. This is derived from the mandate issued in form of resolutions by the sending authority be it the Security Council or the regional organisations. The manner in which the peace keepers conduct themselves on the ground has profound impact on their legitimacy. The firmness and fairness with which a TCC/PCC exercises its mandate, the circumspection with which it uses its force, the discipline it imposes upon its personnel, respect it shows to the local customs, institutions and laws, and the decency with which it treats the local people all have a direct effect upon perceptions of its legitimacy.⁴⁰ Peace keepers are therefore expected to be objective and disinterested parties in their areas of operations as they serve universalistic interests and must not serve the parochial interests of specific foreign powers.

Similarly, the TCC should also ensure that the troops are well kitted in terms of the uniforms, boots all depending on the nature of the task, country of deployment (because of the terrain, weather, culture). For example if the host country is experiencing extreme cold weather then the troops should be kitted with warm clothing specially designed for the weather and likewise for countries where the weather is too hot and experiences sand storms.⁴¹

It is also incumbent on the part of the country to sign the appropriate agreements such as SOFA/SOMA setting out the nature of the relationship between itself and the host country. The agreement provides for rights and privileges of covered individuals while in the foreign jurisdiction, addressing how the domestic laws of the foreign jurisdiction shall be applied to the personnel while in that country. It is important to note that a SOFA is a contract between parties and may be cancelled at the will of either party. SOFAs are peacetime documents and

⁴⁰ The Blue Helmets, 'A review of the United Nations Peace keeping', Third Edition, Published by the United Nations Department of Public Information, New York 1996 p 267.

⁴¹ UN Guidelines for Troop Contributing Countries ,2005

therefore do not address the rules of war, the Laws of Armed Conflict, or the Laws of the Sea. However it should be noted that the SOFA has to be in conformity with the UN framework on immunities and privileges of personnel.⁴² This is necessitated by the rising reports on the alleged human rights abuses committed by military personnel and which if left to the host nation to investigate and prosecute and this may grind the mission grind to a halt. It therefore becomes necessary that each sending state retains the exclusive criminal jurisdiction to try its personnel except as otherwise expressly provided in the SOFA.

The other area which falls under the ambit of the contributing country is the equipments and other logistical requirements that have to accompany the peacekeepers in the country of deployment. It should be noted that this is normally covered in the MOU between the contributing country and the UN or a regional organisation as the case may be. It will however depend on whether the arrangement is under a dry or wet lease agreement. A dry lease agreement is where contributing country provides the equipment, personnel and the UN does the maintenance and the servicing and later pays a reimbursement to such TCC on the agreed scale and the wet lease means that the contributing country provides the equipment and the personnel and is responsible in maintaining and servicing. The decision to enter into either a dry lease or wet lease arrangement however depends on a country to country and also more on the reasons why such a country does engage in peace keeping missions.

2.7 Conclusion

The process leading to a peace keeping operation is the foundation or the key to successful implementation of a mission mandate. This means that if the process to the operation is not well deliberated and more on the aspect of constructing achievable mandates, seeking the necessary consent from the host nation(in case of Chapter VI Operations),

⁴² UN Model SOFA and UN Convention on the Privileges and Immunities of Peace Keepers.

negotiating the appropriate terms for deployment, training the troops on what is expected of them in the mission area then the deployment of a peace keeping operation will be riddled with shortcoming and will suffer eminent closure and hence the likelihood of relapse of the conflict. For purposes of achieving the best in employing the tool of peace keeping in conflict management and for the countries to get the best out for their troops and for the interest of global peace and security, it is necessary that the sending authority be it the UN or a regional organisation and the TCC invest their time and resources to the process leading to the peace keeping mission.

CHAPTER 3

ADMINISTRATION OF PEACE KEEPING OPERATIONS

3.0 Introduction

The previous chapter discussed the process leading to peace keeping operations from the perspective of the UN on one part and that of a TCC. At the UN level, once a decision has been reached by the Security Council to start a mission in a certain country a resolutions is drawn and request for troops is sent to member states. The responsive member states will select the troops for deployment but of course guided by the resolution which contains the mandate, task, size and strength of the battalions from each country. The TCC should also prepare the troops for deployment through training, kitting amongst other logistical requirements.

This Chapter focuses on the management and/or administration of peace keeping operations and address factors that ensure that a peace keeping operation is sustainable be it matters personnel, logistics, documentation amongst others. This chapter argues that these issues are a cornerstone to the morale and welfare of the troops in their various areas of deployment. It is against this background that this chapter goes beyond the challenges of peace keeping operation which have in the past been researched on and publicized and examine the parameters that 'keep the heart of peace keeping operations beat' and more so that which falls within the ambit of the troop contributing countries. This approach is premised on the understanding that the individual peace keeper is the last person on the chain of execution of the mission mandate and if his welfare is not

taken care of then the peace mission will be incomplete and the very essence of peace keeping operations whichever the type will not be achieved.

The Chapter examines the issues from three stages namely the predeployment phase, deployment phase and post deployment phase. Some of the salient areas are training, pay and allowance, family welfare programmes, compensation schemes, recreational facilities for the troops, availability of resources such as food, shelter, logistical requirements, proper weaponry and machinery, command and discipline *et al.* Administration depends on the categories of personnel being deployed. This is because for a battalion it calls for more logistics and coordination while this is not the case for military observers and staff officers as they are deployed on individual basis to replace others in the mission areas upon completion of their term.

3.1 Predeployment phase

A TCC should negotiate its own agreement with the UN, a document which dictate how the force will be applied and in this sense the TCC can choose where its troops/police will be deployed.¹ The aforesaid terms are reduced into writing in a Memorandum of Understanding and it is therefore very important that the MOU be drafted in the best interest of the TCC and those issues that touches on the human factor receive paramount consideration. Of particular importance is the reimbursement procedures to the TCC depending on the resources, equipment and the type of lease entered into between the UN and a TCC. The General Assembly² authorised the implementation of the rules for reimbursement for Contingent Owned equipment (COE). Under the terms of the MOU, the TCC may enter into either a wet lease or a dry lease

¹ Erin A. Weir, *Greater Expectation: UN Peace Keeping and Civilian Protection*, Refugee International Publishers, 2009 p19.

² Resolution 50/222 of 11th August 1996

with the UN. A wet lease refers to a situation where the TCC provides the equipment and assumes responsibility for maintaining and supporting major and minor items of the equipments deployed and for which the TCC is reimbursed for the equipment and for the maintenance.³ On the contrary, a dry lease is a contingent owned equipment reimbursement system whereby the TCC provides equipment to a peace keeping mission and the United Nations assumes responsibility for maintaining equipment or the UN arranges with a third party for maintenance of the equipment. Dry lease equipment may be operated either the equipment owning country or another country. Reimbursement rates will be adjusted for any period for which the TCC fails to meet the agreed scale in the MOU and only those services and personnel that are specifically agreed in the MOU to be provided by the TCC will be reimbursed and any extras are treated as a national responsibility. In instances where a TCC is withdrawing from the mission area, troop reimbursement will continue at full rate until departure in accordance with the withdrawal plan whereas reimbursement for major equipments leases whether wet or dry will be paid at the level of 50 percent of the agreed rates in the MOU until departure of the equipment⁴.

Due to the rising reports on the alleged human rights abuses committed by military personnel and which if left to the host nation to investigate and prosecute the mission will grind to a halt, it has therefore become necessary that each sending state retains the exclusive criminal jurisdiction to try its personnel except as otherwise expressly provided in the Status of Forces Agreement (SOFA). A Contributing country

³ A/C .5/49/66 Annex II para 16 ,page 23

⁴ Generic Guidelines for Troop Contributing Countries Deploying Military Units to United Nations Peace Keeping Missions,2008.

should negotiate a SOFA between itself and the host nation.⁵ SOFA should however be drawn in conformity with the UN framework on immunities and privileges of personnel.⁶

On the other hand, each mission should by virtue of its establishment and deployment in a certain country be it under Chapter VI, VII or VIII of the UN Charter, Constitutive Act of the AU or the hybrid thereof to conclude a Status of Mission Agreement (SOMA) with the host nation. SOMA essentially sets out governing framework on the terms and conditions and the conduct of business in the host nation by the mission. Other areas normally addressed in such an agreement are entry and departure issues, carrying of weapons, criminal/civil jurisdiction, claims duties, taxes and other charges, wearing of uniforms, personal property, and use of transportation and currency restrictions⁷.

On receipt of a request for troops a TCC should conduct a predeployment reconnaissance visits to determine how the ground affects the contingent's capability in undertaking the task given to the mission.⁸ Equally, the DPKO does conduct out predeployment visits (PDVs) to the TCCs to ensure that the countries have complied with the operational requirements and deployment timings.⁹ Following these preparatory requirements a TCC should select troops for deployment to the mission area to deploy to the mission area. This will however be informed by the mission mandate, task, size and strength of battalion and the country of deployment. A request to deploy in South of

⁵ A SOFA is an agreement that establishes the framework under which armed forces operate within a foreign country. The agreement provides for rights and privileges of the troops while in the jurisdiction of the other nation, exercise of criminal jurisdiction and military disciplinary law.

⁶ UN Model SOFA and UN Convention on the privileges and Immunities of Peacekeepers.

⁷ A review of the Status of Forces Agreement signed between the UN and Sierra Leone on UNAMSIL

⁸ Department of Peace Keeping Operations Policy Directive on Troop Contributing Countries Visits, 2005

⁹ Standard Operating Procedures on Planning and Implementing on Pre-deployment Visits, 2005

Lebanon in UNFIL will require that a TCC do largely deploy troops with mine handling skills and may be medical personnel.¹⁰

The TCC should also ensure compliance with the UN Resolution of 2000¹¹ which stresses the importance of involving women in conflict resolution. Gender-based violence against women is also a continuing problem for women in peace-building.¹² This can be as a result of post-traumatic stress, or of the need for men to reassert control in their households, which had been headed by women during the war, or of the sense of men facing dislocation and unemployment on return. The destruction of communities in the conflict may also mean the loss of social structures that have previously offered a safety net against such violence. The violence is a form of sex discrimination, a direct violation of women's human rights and in turn causes violations of other rights¹³. Violence, especially within the home, is, however, rarely understood as a threat to peace-building. Post-conflict arrangements may make provision for the reintegration of soldiers into society, but they rarely deal with the situation of women subjected to violence during conflict and in its aftermath. Notably, the Liberian Peace Agreement states that 'The National Transitional Government of Liberia shall accord particular attention to the issue of the rehabilitation of vulnerable groups of war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia. However, this wording did not indicate the requirements for the prohibition of all

¹⁰ During the study the researcher visited South Lebanon in Sept 2011 and witnessed mine clearing activities by UNFIL peace keepers

¹¹ UN Resolution 1325(2000) on Women, Peace and Security.

¹² Gender-based violence has been defined by the Committee on the Elimination of Discrimination against Women as 'violence that is directed against a woman because she is a woman or that affects women disproportionately'. Committee on the Elimination of Discrimination Against Women, General Recommendation no 19, (11th session, 1992).

¹³ Ibid 18

forms of gender-based violence, including domestic violence, to be incorporated into national legislation.

Considering the experiences of women under listed jurisdictions, it is evident that the forms and locations of violence may change at the cessation of active conflict but violence against women is likely to be a continual phenomenon. In Iraq, the collapse of civilian structures may have meant continuing and pervasive lawlessness. Security for all was highly compromised, including gendered forms of insecurity.¹⁴ Amnesty International¹⁵ has reported that women in Iraq have been subjected to rape, death and restriction of movement with no protection from the authorities. The fear of violence inhibits women from leaving their homes and has restricted their participation in civil society, particularly in education, employment and political decision making. Similar insecurity is found in Afghanistan¹⁶ and the idea that security can be created through military force does not take account of gendered threats to women's security. Nor does it investigate or challenge power relations within the state. Women in general typically bear the greatest burden of managing post-conflict relations with war-traumatized children, family members and former fighters while demographic changes from the conflict, such as the disproportionate number of women and women-headed households, affect issues such as access to and ownership of property, housing, caring responsibilities, and return after internal or international displacement. TCCs should therefore as a matter of course brief its troops on the requirements of the resolution and facilitate the deployment of

¹⁴S Licht, 'Women as agents of change in conflict and post-conflict situations', in M Glasius & M Kaldor (eds), *A Human Security Doctrine for Europe*, London: Routledge, 2006, pp 200-214.

¹⁵ Amnesty International, 'Iraq: decades of suffering. Now women deserve better', 22 February 2005, at <http://web.amnesty.org/library/index/engmdel40012005>

¹⁶ A Adrian-Paul & P Naderi, UN SC Resolution 1325 Women, Peace and Security: Issues and Instruments-The Afghan Context, London: International Alert and ASCF, 2005

female military personnel in all contingents to perform such duties as legal officers, search and conduct, demobilisation of female combatants, patrols and election monitoring.¹⁷ This study observes that peacekeeping operations since the adoption of Security Council Resolution 1325 in 2000 have not lived up to this commitment save for some attempt to encourage UN field offices to address particular gender issues or to provide training, and administrative units dedicated to gender issues and only in the United Nations Interim Administration Mission in Kosovo (UNMIK) was the first peacekeeping mission to have such a unit. In East Timor a gender unit was proposed in the original structure of the UN authority UNTAET there, but it was not implemented because of budget priorities. The Gender Affairs Unit was ultimately reinstated in April 2000 after pressure from senior women within the UN.¹⁸

At this stage, it is also a responsibility of the TCC to do proper documentation for the troops that is the passports or any other relevant travelling document and visas. This will facilitate the entry of the host nation's border which more often than not is still governed by some laws despite the deployment of a peace keeping mission in its jurisdiction. The TCC also ensure that it does proper kitting for its troops and must be in compliance with the agreed schedule in the MOU.¹⁹ The kitting should of course take into account the prevailing weather conditions. If the TCC fails to honour this responsibility, the UN will provide such kitting and recover the cost from the contributing country.

¹⁷Natalie F. Hudson, '*En-Gendering UN Peace Keeping Operations*', International Journal Vol 60 No.3,2005 pp 792

¹⁸ H Charles worth & M Wood, '*Women and human rights in the rebuilding of East Timor*', Nordic Journal of International Law, 71 (2), 2002, pp 325-348 at p 370.

¹⁹ Generic Guidelines for Troop Contributing Countries Deploying Military Units to the United Nations Peace keeping Missions,2008

3.1.1 Medical Examination

Personnel assigned to peace keeping missions are normally exposed to hazardous conditions not normally associated with peace time service. More so, due to stressful conditions and change of environment, there is a potential of aggravation of existing medical conditions. In the premises, it is necessary to take special note of special patients with a medical history.²⁰ This therefore explains the reasons why the troops are taken through a rigorous medical examination to rule those persons with health conditions that may deteriorate if one is exposed to extreme conditions. Interestingly, the UN respects positions taken by the contributing countries on whether or not deploy persons with such conditions as HIV/AIDS but has mandated the DPKO to raise awareness and prevent the transmission of HIV in the UN peace keeping operations.²¹ The resolution recognized the link between HIV /AIDS pandemic and international peace and security; HIV/AIDS is exacerbated in states plagued by violence and instability. To this end, DPKO has sought to train its peace keepers to become advocates for awareness and prevention of HIV/AIDS. DPKO in its campaign also gives prominence to the policy of Voluntary Confidential Counseling and Testing (VCCT) and does not require of any person to be tested of HIV in relation to deployment for peace keeping.²²

3.1.2 Predeployment Training

Considering the evolution of traditional peace keeping to multidimensional and the wider mandate with which peace keepers are bestowed with, the history of atrocities committed by military personnel in UN missions and the obligation on the part of the peace keepers

²⁰ Interview with Senior Medical Officer, Kenya Army Headquarters.

²¹ UN Security Resolution 1308(2000) on the Responsibility of the Security Council in the Maintenance of International Peace and Security: HIV/AIDS and International Peace-keeping Operations.

²² Annual Review of Global Peace Operations ,2011

to act within International Humanitarian Law(IHL)²³, it is incumbent that a TCC train its troop in such areas as aspects of peace keeping operations, IHL,UN Communication systems, media relations ,country brief, the mandate to name but a few.²⁴

3.2 Deployment Phase

This is the theatre of arena and the place where the MOU (sic) seeks to govern the relationship between a TCC and the sending authority. The MOU signed by the TCC and the UN prior to deployment, stipulates the obligations of each party related to personnel, major equipment and self sustainment. The final form of the MOU can vary as long as the substantive elements of the model MOU remains consistent for all member states.²⁵ It is also in this phase that the contingent has to be supported so that they can achieve efficacy in the implementation of the mandate. Some of the basics requirements both on the part of the UN /regional organisation and TCC include provisions of rations and water, welfare and canteen, communication channel between the soldiers and their families, training, information technology, accommodation, leave, pay and mission subsistence allowances.

3.2.1 Command and control in the Mission area

It is essential to assemble the leadership of a new mission as early as possible at United Nations Headquarters, to participate in shaping a mission's concept of operations, support plan, budget, and staffing and Headquarters mission guidance. To that end, the Secretary-General should compile, in a systematic fashion and with input from Member States, a comprehensive list of potential special representatives of the Secretary-General (SRSGs),

²³ United Nations Secretary General Bulletin, 1999 on applicability of International Humanitarian Law in Peace Keeping Operations

²⁴ Core Pre-Deployment Training Material (CPTM) and the Specialized Training Material (STM) for Peace keepers

²⁵ A/C .5/52/39 para 65(a) .p 11

force commanders, civilian police commissioners, their potential deputies and potential heads of other components of a mission, representing a broad geographic and equitable gender distribution.²⁶ This is because clear command and control arrangements bring about cohesiveness amongst all mission elements. This will in turn allow efficient and effective implementation of the mandate and mission preparedness to respond to crisis situations.

Individual personalities are a major factor in any United Nations peacekeeping operation. Even when the necessary coordination mechanisms and processes are in place, it is vital to ensure that key positions are filled by the right individuals with the right skill sets.²⁷ Ultimately, it is the example and guidance provided by the senior leadership of a United Nations peacekeeping operation that will unite the components and ensure that the United Nations system is working as a team. The selection of senior mission leaders must be a carefully considered process. Mutual respect and the ability to transcend “turf” issues are essential qualities for the successful management and integration of multi-dimensional United Nations peacekeeping operations. Education and training are vital to ensuring that the appointment of senior mission leaders is not a “lottery.” Prior to assuming their functions, senior mission leaders should be given adequate training and preparation on the challenges that they are likely to face in the field. All personnel in leadership positions should exemplify the highest standards and should be held accountable for their behaviour and performance. If not performing up to expectations, they should be counseled and, if necessary, removed from the mission.

²⁶ Journal by American Society of International Law on United Nation: Report on the Panel on United Nation Peace Operations(Brahimi Report), Vol 39,No.6 p 123

²⁷ Michel Doyle & Nicholas Sambanis, ‘*The UN Record on Peace Keeping Operations*’, Vol 62 No.3 ,2007 p502

3.2.2 Verification and Control

Upon arrival in the mission area, an exercise of verification and control similar to that conducted during the PDVs visits is done in the mission area. These are intended to ensure that the terms of the MOU are met both parties at the outset and throughout their relationship. The verification and control are carried out by way of arrival inspections, operational inspections and repatriation inspections and other inspections deemed necessary by the Force Commander or the Secretariat.²⁸ The arrival inspection takes place immediately after arrival and has to be completed within thirty (30) days on a date jointly agreed by the parties. The inspection looks at the major equipment for their operational and self sustainment capabilities. The operation inspection will on the other hand be carried out at least every six (6) months period of the contingent in the mission area with a view to check the condition of the major equipment and whether their self sustainment is sufficient and satisfactory. Lastly, the repatriation inspection shall make account of the major equipment under the dry lease arrangement to be repatriated .The inspection also seek to ensure that no UN owned equipment is repatriated.²⁹

3.2.3 Ration and water

For the composite rations and unless otherwise advised by the Director of Field Support (DFS)during the MOU negotiations, the TCC has to order the initial supply for 21 days where there is rapid deployment so that it can coincide supply of the main deployment. On deployment each contingent will install its own water purification plant within 14 days of arrival at the mission area³⁰. On the other hand, the UN is responsible to provide a raw water source like boreholes though if there is no water, the UN will

²⁸ Ibid p 9

²⁹ Ibid p 35

³⁰ Ibid p 42

provide the contingent with treated water. It should be noted that collection of firewood in the mission area is no longer allowed because of the threat to the ecosystem and whereas most contingents cannot afford LPG cookers, the TCC are encouraged to deploy with diesel fired cookers.

3.2.4 Communication

Due to the number of troops in a mission area, it is not possible for the UN/regional organisation without serious risk to the communication systems, to arrange for private communications by the soldiers with their families in their home countries. In order to maintain morale, all TCCs are encouraged to deploy with necessary satellite equipment linked to an Internet Service Provider (ISP) in their home countries to provide private voice and e-mail communications for their troops. However for the communication equipments from the UN /Regional organisation Headquarters to the Mission HQ and between Mission HQ and Sector /Batallion HQ these are provided by the sending organisation.³¹

3.2.5 Accommodation

Contingents are expected to be fully sufficient in the category of tentage at least for the first (6) months of arrival at the mission area³². The UN may provide hard walled/semi rigid accommodation as soon as the troops arrive in the area of deployment though this only cover those units whose operations in area from the general static locations. To this end if the UN provides the accommodation then the TCC cannot receive reimbursement save for those ones required for operational purposes to reoccupy contingent supplied tentage. However if the UN does not provide permanent, semi rigid

³¹ Ibid p 42

³² Ibid p 22

accommodation then the TCC will be entitled to reimbursement.³³ In order to encourage more female military personnel to participate in peace keeping missions and as provided for by the Security Council resolution 1325 (2000) on women, peace and security, a TCC should endeavour to separate accommodation for female members of the contingent.³⁴

3.2.6 Transport in the Mission area

The Contingent may in the mission area use contingent owned vehicles or the UN vehicles. However the Contingent Transport Officer (CTO) will usually organise for driving tests and issuance of UN driving permits whether or not the vehicle involved belongs to the contingent or the UN. For purposes of contingents beyond the Headquarter, the CTO is represented by the Motor Transport Officers for all intents and purposes. Notably for the specialized and /or armored military vehicles the issuance of driving permits should be in strict compliance with the sending authority regulations but still subject to CTO's issues procedures³⁵. This will ensure that all drivers will adhere to traffic regulations in the mission and in an event of gross misconduct, the UN can withdraw driving permits from personnel found to be driving under the influence of alcohol or drugs and from personnel who commit serious traffic violations or whose driving habits indicate lack of competence or sense of responsibility³⁶. Similarly in the case of a UN vehicle being involved in accident outside the normal course of duty or as a result of gross negligence on the part of the personnel and suffering damage as may be determined by the board of inquiry, the UN can ask for reimbursement from the TCC.

³³ Manual on Policies and Procedures Concerning Reimbursement and Control of Contingent Owned Equipment of Troop Contributors Participating in Peace Keeping Missions, 2005 as amended

³⁴ Interview with Major Wambui, Kenya Armed Forces Training Technical College, who previously served in UNAMID as a staff officer.

³⁵ Ibid p 42

³⁶ Interview with Major Sande who previously served as a liaison officer in UNMEE

Relatedly, the TCC should ensure that there are minimal accidents by ensuring that the troops selected for the mission are proficient in driving but in an event that its personnel are involved in an accident for reasons beyond their control and in the normal course of duty, board of inquiries should be convened immediately and claims for compensation sent to the headquarter for action.³⁷ The UN is responsible for transportation of the troops upon deployment and repatriation but may request a TCC to provide this service via a Letter of Assist (LOA) whereas the TCC is responsible for transportation of resupply of contingent for spare parts and minor equipments related to major equipments, for rotation and to meet national requirements.

3.2.7 Leave

Troops and staff officer are entitled to annual leave of thirty (30) days and the same should be actual leave without cash compensation in lieu of forfeited leave. The contingent may also enjoy advance leave as may be decided and the applicable extensions if the situation warrants it³⁸.

3.2.8 Pay and allowances

Depending on the TCC, troops deployed in the peace keeping mission will normally in addition to the salary paid by the sending nation draw an extra allowance payable by the sending authority. This will however depend on the area of deployment and the terms of engagement. For example a peace keeper serving in a peace keeping mission will earn less than a military observer or even a staff officer in the same mission. This is because the cadres of military observers and staff officer are paid Mission

³⁷ General Assembly document A/52/369OF 17th September, 1997

³⁸ Ibid p42

Subsistence Allowance (MSA) out of which they fund their in living allowances without depending on the sending nations.³⁹

3.2.9 Repatriation

There are three categories namely compassionate, disciplinary and medical repatriation. For compassionate cases, the Force Commander will normally write to the Special Representative of the Secretary General (SRSG) for authority to do so at the UN expense. Some of the grounds that may call for compassionate repatriation are critical injury or illness of a close relative or attending a funeral of a close relative being a spouse, child sister, brother. Repatriation of an individual on compassionate grounds will normally be considered as constituting the completion of his/her tour of duty though the repatriated individual can return to the mission area to complete his/her tour duty but at his own expense or the expense of the sending nation.⁴⁰ For disciplinary matters, the sending nation will cover the cost of travel for the individual back home and for the replacement of that personnel to the mission area whereas for medical repatriation, the UN will cover the travel costs for both the repatriated and the replacement .However, if the medical condition is pre -exisisting and results from inadequate screening at the predeployment stage then the repatriation and evacuation shall be at the expense of the sending nation. In the unfortunate event of the death of a member while serving in a UN mission, all costs associated with the return of the remains to the home country and travel of a replacement to the mission area will be borne by the UN.

³⁹ Interview with Lt Col Muvengei, Staff Officer 1 Operations at Defence HQ.

⁴⁰ Ibid p 26

3.2.10 Dispute Resolution

The MOU provides that a mechanism will be created within the mission area to amicably resolve disputes that arise in the implementation of the MOU and which mechanism will comprise two levels; first level where the Chief Administration Officer and the contingent commander attempt to reach a negotiated settlement and second level where if the negotiations at first level collapse, the parties call for the participation of the representative of the Permanent Mission of the Member State and the Under Secretary in charge of the mission.⁴¹ Notably, failure to resolve disputes under any of the above levels either party may apply to the International Court of Justice for the appointment of an arbitrator.⁴²

3.3 Post deployment phase

Upon the conclusion of their mission period, it is the responsibility of the sending nation to ensure that troops are rehabilitated back into normal military life for a stipulated period of time say 30 days before they are redeployed back to their units. Upon exit from the mission area, troops will normally converge in concentration camps for purposes of being rehabilitated back into service. In these camps the troops are taken through physical training programmes to ensure that they spring back to fitness, an aspect that more often than not will not receive a lot of attention in the mission area. It is also at this point that the troops undergo medical examination to ensure that any communicable diseases are treated before the troops go back to their units.

⁴¹ Review of various MOU between the Government of Kenya and the UN on peace keeping operations.

⁴² Mohamed Sameh M.Amar, 'The Role of the International Court of Justice as the Principal Judicial Organ of the United Nations', Netherlands : Kluwer Law International ,2003 p 216.

3.4 Conclusion

There is need to strengthen both the quality and quantity of support provided to the peace keeping missions system by all players including the TCC. To that end, proper administration as discussed above has to be put in place to ensure that the forces deployed to peace keeping missions are not lacking in terms of resources and training amongst other factors. This will in the long run ensure that the process of mandate implementation is well coordinated and executed by the troops charged to do so and peace will be found amongst the warring parties.

CHAPTER 4:

ADMINISTRATION OF PEACE KEEPING OPERATIONS IN KENYA

4.0 Introduction

The previous Chapter has examined the administration of peace keeping operations in general. This Chapter demonstrates the need to customize those standing operating procedures issued to the TCC by the UN to fit a certain country, type of mission and the mission mandate. This means that for a contributing country to effectively deploy its troops in a mission area there are certain parameters that have to be addressed to ensure effective implementation of the mission mandate. This chapter will in light of the aforesaid examine how Kenya administers matters of peace keeping missions. The Chapter is divided into three phases namely predeployment phase, deployment phase, and post deployment phase. The Chapter starts by addressing the history of Kenya's involvement in peace keeping operations and demonstrate the milestones that have been achieved in terms of administration of peace keeping operations.

4.1 Kenya's involvement in Peace Keeping Operations

Kenya through the able performance of its peacekeepers participated in various peace keeping operations. Over 26 years the Kenya Defence Forces (KDF) has deployed its troops in peace keeping operations, the first one being in New Rhodesia (Zimbabwe) on the request of the Commonwealth in 1979¹. Subsequently, KDF contributed Officers, towards peace keeping operations in Chad in 1982 on the request of Organization of

¹ http://www.ministry_of_state_for_defence.gov.ke accessed on 28th Sept,2011

African Unity² and later in Namibia in 1989. Namibia was then a trust territory of the United Nations which was being administered by South African and was experiencing a liberation war waged by the indigenous inhabitants for independence. The mission was successfully conducted and even after the completion of the mission, the Kenyan troops stayed for another three months to train the nascent Namibian Army at the request of the host country.³ The UN intervention in the former Yugoslavia to restore peace also witnessed the participation of the Kenyan peace keepers in peace support operations in the Balkan state. A total of four battalions were deployed in the Balkan state between 1992 and 1995.⁴ Later between 1999 and 2003, KDF did deploy six battalions to Sierra Leone. This was pursuant to the UN intervention in the country following a civil war. The deployment of UN Peacekeepers along the Ethiopia/Eritrea border following border skirmishes between the two countries also witnessed the participation of peacekeepers from Kenya. To date they continue to serve in the mission as peace keepers and deminers. Further the KDF has also served under the United Nations in East Timor, Burundi and Southern Sudan. Similarly the KDF has contributed military observer in troubled spots such as Angola, Former Yugoslavia, Democratic Republic of Congo, Ethiopia/Eritrea, Iran/Iraq, Kuwait, Liberia, Morocco, Namibia, Sierra Leone, Zimbabwe, Chad, Rwanda, Uganda, Mozambique, Burundi, Sudan and Ivory Coast. Equally the KDF has also deployed Staff Officers at the UN Headquarter and in the various Missions Force Headquarters.⁵ From the research conducted, it is clear that those involved/deployed usually volunteer as a matter of duty to serve in the mission as opposed to coercion. This

² Mays TM (Ed) *African's First Peace keeping Operation: The OAU in Chad*, 1982, Praeger Publishers, 2002 p 103

³ Howard, L, *UN Implementation in Namibia*, New York, St Martin's Press, 2002 p 34.

⁴ Interview with Brig Lepakio, Chief of Personnel, Defence HQ.

⁵ Interview with the Brig Mohamed, Chief of Operations and Training at the Kenya Army Headquarters

is explained by the fact that employment in the KDF is not a matter of conscription as Kenyans to join the force at their own will.

It is however noted that there is likely to be a change in trend of deployment as the mandate to deploy has been vested in the National Security Council (NSC).⁶ The NSC shall under the new constitutional dispensation exercise supervisory control over the three national security organs including the Kenya Defence Forces.⁷ The NSC may with approval of Parliament deploy national forces outside Kenya for regional or international peace support operations or other support operations.⁸ Similarly KDF can also with the approval of parliament be deployed in internal security operations⁹ and this may amount to a reduction of KDF's participation in peace keeping missions. However the impact of the new constitutional dispensation on the governance of the KDF can only be subject to further study.

4.2 Predeployment Phase

4.2 1 Reconnaissance Visits

The request to deploy troops to peace keeping missions has in the past been received at the Permanent Mission of Kenya to the United Nations in New York after which the Defence *Attaché* in New York communicates the request to Defence Headquarters. The Defence Headquarters' on receipt of a request to deploy peace keepers will conduct the necessary consultations and briefings to the Chief of Kenya Defence Forces (CDF) and following the approval to deploy such preliminary requirements as

⁶ Article 240(8) of the Constitution of Kenya, 2010

⁷ Article 240 of the Constitution of Kenya, 2010

⁸ Article 240(8)(a) of the Constitution of Kenya, 2010

⁹ Article 241(3)(c) of the Constitution of Kenya, 2010

reconnaissance visits to the country of deployment is done.¹⁰ The purpose of such a visit is to determine how the ground directly affects the contingent's capability in undertaking the tasks given in the mission. In this context, the ground refers to the actual environment and circumstances in which the contingent will operate.¹¹ To this end; KDF employs various intelligence mechanisms to obtain a country brief of the host country. This brief normally covers; background of the conflict, current situation, political situation, leaders, existence of a government, key people to negotiate and /or mediate with, culture, religion of the people.

4.2.2 Negotiations of Memorandum of Understanding and Status of Forces Agreement

For the purposes of regulating the relationship between the Government of the Republic of Kenya and the UN or a regional organisation ,there is need to negotiate and sign a Memorandum of Understanding(MOU) which provides for the number of personnel to be deployed, the rate of reimbursement per personnel, type of equipment be it major equipment or self sustainment equipment and the requisite rate of reimbursement to the Government of Kenya, the code of conduct to be observed by the troops while on deployment, matters of discipline, investigations ,exercise of jurisdiction of military personnel and civilian staff deployed by the Government of Kenya in the mission area, compensation in case of injury or death, settlement of disputes amongst other miscellaneous provisions.¹² The practice has been that the UN will through the office of Defence Advisor in the Permanent Mission in New York send a draft MOU to the

¹⁰ Interview with Brigadier Tai, Chief of Operations & Training, Defence HQ

¹¹ Department of Peace Keeping Operations Policy Directive "Contributing Country Reconnaissance Visits" dated 5 October 2005.

¹² MOU between the Government of Kenya and UN for the deployment of Military Police in Darfur.

Ministry of State for Defence Headquarters for perusal and concurrence and /or amendment.¹³ Similarly the Government of Kenya also execute Status of Forces Agreement (SOFA) with the host country and the main salient provision are the exercise of criminal jurisdiction over the troops and this is vested in the Government of Kenya for offences peculiar to the Defence Forces, respect of the laws of the host country, wearing of uniforms, carrying of arms.¹⁴ The final form of the MOU can vary as long as the substantive elements of the model MOU remains consistent for all member states.¹⁵ In addition to the SOFA, Kenya has acceded to a treaty¹⁶ provides for the protection of persons engaged or deployed by the Secretary General of the United Nations as members of the military, police or civilian components who are present in an official capacity in the area where a United Nations operation is being conducted. This ensures in an event of any attack on Kenyan peace keepers the attackers can be prosecuted.

This chapter notes that the process of negotiations of the aforesaid MOUs and the SOFA has not been well handled as there has not been much involvement of lawyers either at the Defence HQ or Treaties and Conventions and other technical experts both at the Defence Headquarter, State Law office and at Permanent Mission of Kenya to the United Nations in New York. On the contrary, KDF has mainly relied on the standard form of MOU provided by the UN. Be that as it may, this chapter discusses some of the salient areas considered as the pillars of any peace keeping operations and are hence discussed hereunder;

¹³ Interview with Col Shiundu, Colonel Operations other than war(OOTW), Defence HQ

¹⁴ SOFA between the Government of Kenya and Sudan, Sierra Leone, Burundi.

¹⁵ United Nations 2000a. 'Comprehensive Review of the Whole Question Of Peacekeeping Operations In All Their Aspects', Doc A / 55 / 305; S / 2000 / 809, New York: United Nation.

¹⁶ Convention on the Safety of United Nations and Associated Personnel, 1994

4.2.3 Reimbursement

Article 17 of the UN Charter recognizes the principle of collective financing responsibility which lays the foundation of how the costs of the UN PKOs are divided amongst member states. The expenditure mainly consists of personnel expenses and of charges for equipment maintenance.

Kenya pays its own outlays, which are later reimbursed by the UN in accordance with the agreed invoicing basis in the various MOUs concluded with the UN and the Government of the Republic of Kenya represented by the Ministry of State for Defence. The costs of personnel are reimbursed at a standard rate of USD 1028 per man per month. The equipment is partly redeemed by the UN paying a current valid procurement price and the rest is returned to Kenya along with the repatriating unit. This study observes that this process has experienced some challenges both at the KDF level and at the UN to wit; delays on the part of the UN to disburse the rebates, lack of appropriate and serviceable equipment for deployment as required by the UN, deployment of less personnel in contravention with the MOU provisions and lack of preparedness to deploy at short request.

The chapter also notes that before the Financial Year (FY) 2005/2006 rebates from the UN in respect to various peace keeping missions was treated as Appropriation in Aid (A-in A)¹⁷ and reflected at a figure of 3 Billion in the Ministry's budget. This meant that treasury would allocate the Ministry a budget less the 3Billion on the assumption that the A in A would be earned by the Ministry from such deployment. However this was not workable as the estimated earnings of 3Billion was never realized and the defence budget was always underfunded. This in turn translated to pending bills because the budget could

¹⁷ Government Financial Management Act, Chapter 412 B Laws of Kenya.

not finance all the operations of the Armed forces and this also meant that peace keeping missions equally suffered from low numbers of personnel because recruitment could not be fully funded and/or no or old equipments were deployed with the troop to the mission area. This meant that Kenya continued losing on the rebates as the UN only reimburses only on serviceable equipments and number of personnel deployed and only those that meet the specified standards in the MOU.

However this trend changed in the FY 2006/2007 after the Ministry officials engaged Treasury to treat the rebates from the UN as revenue to the national basket and have Treasury allocate an adequate budget to the Ministry to finance its operations. This in addition with a modernization programme worth 62 Billion spread over 7 years has seen tremendous improvement in the procurement of equipment such as new land rovers, troop carrying vehicles, steyers vehicles, armoured personnel carriers (APCS), Unmanned Aerial Vehicles (UAVs), F5jets, mid-life refit of 2 Kenya Naval ships to name but a few and this has increase the operation ability of the KDF both within and without borders.¹⁸

4.2.4 Selection of troops

On receipt of a request to deploy in PKO, KDF forwards the request for troops and the required equipment and services to the three Services Head Quarters that is to Kenya Army Headquarter, Kenya Air force Headquarter, and Kenya Navy Headquarter for them to select the appropriate personnel for the deployment at a ratio of 7:2:1 respectively. The selection of troops may however be dictated upon by the mission mandate owing to the fact that each service of the Kenya Defence Force has its core mandate and if the mission is best suited for the Kenya Army then the selection will yield

¹⁸ Interview with Mr. Muhia, the Senior Chief Finance Officer at Defence Hq

more from the KA other than from the other two services. For example, a peace keeping mission in a terrain with a vast coast line is likely to have more of navy personnel more than personnel from the other services.

The selection process is guided by such factors such as the seniority of the candidates, whether one has served in a previous peace keeping mission and discipline record of an individual as one does not qualify to be selected for such deployment if he has been charged under the Armed Forces Act and the award published and recorded in the Qualification and Record returns card.¹⁹ This will ensure that only the right people are selected for the mission and any personnel with a disciplinary record is detected early enough and dropped from the list. This will forestall such incidences as stealing of money in respect of pay and allowances for the troops by rogue paymasters as was experienced in Kenbatt 19 deployed in UNAMIS.²⁰ For purposes of making the process fair and giving every qualified personnel to serve in the peace keeping mission, the Ministry headquarter maintains a data base of all those personnel who have previously served in peace keeping operations.²¹

To increase participation by female members as recommended by the UN²² KDF has ensured that there is gender mainstreaming in peace keeping missions but more in the observer missions owing to the nature of duties as compared to those in peace keeping operations. In PKO duties the troops do combat duties and work under very extreme weather conditions and traumatizing conditions.²³ However from the sample size

¹⁹ Interview with Lt Col Muvengei, Staff Officer I Operations Defence HQ

²⁰ The paymaster Kenbatt 19 embezzled 14M in respect of payments to the troops ,

²¹ Interview with Major General Kihalangwa, Assistant Chief of Defence Forces Personnel and Logistics

²² UN Security Resolution 1325(2000) on Women, Peace and Security.

²³ Thomas,B *'The Psychology of the Peace keeper: Lessons from the Field'*, London ,Praeger Publishers 2003 p30

interviewed, only 18% were female and 82% were male meaning that PKO have in the past seen more participation from the male members of the KDF. However under the new constitutional dispensation²⁴ we are likely to see increased recruitment of women in the KDF hence increased participation by female officers and service women in PKO. This may therefore call for a shift in policy in the number of women to deploy and the kind of duties they will perform in the mission areas. This may include such duties as legal work search and condon, demobilisation of female combatants, patrols and election monitoring.²⁵ This position was also shared by an interviewee²⁶ and the 18% of the women who were interviewed.

Similarly, a contributing country should promote a conducive and respectful environment for both male and female military personnel by ensuring sufficient medical facilities, services and supplies, and promote mechanism to ensure protection from sexual harassment.²⁷ To this end, KDF ensures that this is achieved by accommodating the female officers and service women so deployed in separate accommodation from their male counterparts, provide free medical services to all and pay a special clothing allowance²⁸ to the female members of KDF.

4.2.5 Predeployment Programme at the Concentration Camps

After the selection at the various unit levels and submission of the list of personnel to the Ministry Headquarters, the troops congregate in a secluded training camp in Stoni Athi River for a period of three months. The predeployment programme

²⁴ Article 27(8) of the Constitution of Kenya, 2010.

²⁵ UNTAG in 1990 had a fairly gender balanced staff.

²⁶ Brig Mohamed, Chief of Operations and Training, Kenya Army HQ and Colonel Betty Kenga, Kenya Navy.

²⁷ Klot, F. 'Gender Mainstreaming in Crisis Prevention and Recovery', *A Forward Looking Review* 2006

p67.

²⁸ This is meant to defray the monthly cost of sanitary requirements spent by female members of KDF.

consist of training on various aspects of peace keeping operations, medical vetting, documentation (to include processing of passports and visa to the host country) kitting in accordance with the MOU.²⁹ The choice of kitting may to some extent is dependent on the weather conditions in the country of deployment. This is because a soldier being prepared for deployment in Yugoslavia will be kitted differently from one going to Sudan as the winter season in Yugoslavia would require warm clothing whereas Sudan will require lighter clothing and dust goggles' because of the Habub (sandy storms) that occur every in April, May and June of every year.³⁰ More so, depending on the mandate whether under Chapter VII or VII ,the type of weaponry will be different and it is during this phase that the troops have to be brought to speed on any new weapon and also on other equipments for example the newly Armored Personnel Carriers (APCS) deployed with troops to Sudan.

4.2.6 Medical Preparations (Medical Vetting)

It is at this point that the troops are taken through a rigorous medical vetting. This is carried out by a predeployment team of doctors and other paramedics headed by a Consultant Physician. It involves generalized medical examination; chest x-rays so as to rule out tuberculosis and HIV/AIDS. The troops also undergo immunization and chemo prophylaxis in accordance with the UN guidelines.³¹ For purposes of deployment, Kenyan peace keepers will normally receive the mandatory immunization against yellow fever before proceeding on any peace keeping Mission. However this may change to include others where there are prevalent diseases in the country of deployment.³²This

²⁹ Interview with Col Shiundu, Colonel Operations other than war (OOTW), Defence HQ.

³⁰ Interview with Lt Col Obonyo, Staff Officer 1 Analysis in Defence HQ

³¹ Ibid p 31

³² Interview with Col(Dr) Mungai ,Senior Medical Officer, Kenya Army Headquarters

chapter notes that KDF does not as a matter of policy deploy persons who are HIV/AIDS positive and those who suffer from chronic diseases like diabetes, blood pressure, and hypertension. This is because owing to the conditions in the areas of deployment they may develop complications or even die and if this happen the UN will not pay any compensation to the beneficiaries and in the event that they become worse and can longer execute their work, the repatriation will be at KDF's cost.³³ This chapter argues that KDF may be constrained to review its position in light of the Constitution of Kenya, 2010³⁴ which reads in part that;

The state shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status; health status.....

Relatedly, the High Court in South Africa in 2008 heard and determined a case filed against the South Africa Defence Forces (SANDF) where a prospective candidate was dropped during the recruitment owing to his HIV/AIDS status.³⁵ The court ordered that the HIV/AIDS testing policy in SANDF was unconstitutional in that it unreasonably and unjustifiably infringed on the rights of the candidate and the serving members of SANDF who were HIV/AIDS positive.

Notably, the UN does not preclude the TCC from deploying personnel who suffer from terminal illness provided that the contributing country will undertake to provide the appropriate medical support to such personnel and if need involve the UN to provide for mere specialized care at other levels of medical care other than the level set up by the contributing country.³⁶ A standard list of pre-deployment medical preparations conducted

³³ Ibid 66

³⁴ Article 27(4) Constitution of Kenya, 2010

³⁵ High Court of Africa of South Africa (18683/07), 'In the Matter between South African Security Forces Union versus Surgeon General AO, 2008

³⁶ Ibid p 32

for their peacekeeping personnel prior to their deployment should be made available to DPKO by the contributing country. This shall include any clinical examinations, x-rays and laboratory tests, as well as all vaccinations administered. Medical screening results of individuals are not required, unless specifically requested by DPKO.

From the research conducted, it emerged that a group of peace keepers who were deployed in Yugoslavia, Namibia and Sudan suffered from pneumonia, skin conditions and eye infections as a result of very extreme cold and dry weather respectively. Korzeniewski echoes this experiences when he reports that 369 UNTAG peace keepers were hospitalized in the field hospitals run by the Swiss medical unit. The most frequent reasons were pneumonia, tuberculosis, fever of unknown origin, malaria, HIV/AIDS and 46 of them were evacuated to a home country as a result of serious injuries from traffic accident and gun shot.³⁷

It is against this background that KDF always conduct a recoissance visit of the host country and then disseminate the information to various stakeholders amongst whom is the Senior Medical Officer in Kenya Army Headquarter who is in charge of providing medical services to the contingents on deployment.

4.2.7 Predeployment Training

Before deployment, it is essential that the personnel selected to serve in PKO undergo a pre deployment training programme.³⁸ Canadian General Clayton Beattie observed

³⁷ Korzeniewski, K, 'United Nations Transition Assistance Group (UNTAG): Peace keeping in Africa', International Journal of Medicine, Vol 2 Issue 1, January-March 2009
³⁸ Blagesico, M, 'Reforming the UN Peace Operations: New Challenges for Peace Keeping Training', United Nations University, 2002 p 50

that training for peacekeeping must be considerably different in nature from conventional combat training, if only because peacekeeping³⁹:

Involves the psychological change from an adversary to a pacific role; from confrontation to third party interposition. In peacekeeping there is no enemy: the objective is to avoid hostilities, to improve communications between the parties, and to advance the process of reconciliation. This necessitates a full understanding of the causes of the conflict political, military, and economic as well as the social and cultural environment. It demands a fair-minded and impartial approach while operating within an atmosphere of distrust and suspicion among the protagonists, often under difficult and provocative conditions.

Notably, training needs for purposes of deployment in PKO have since the 1990s evolved and this is attributed to the changing nature of the conflict from interstate conflict to intra state conflicts, evolving complexity of the conflict and the multi dimensional aspects of peace keeping operations. To this end, the approach in training of peace keeping personnel has become 'multi pronged' that is both from the hand on experience and classroom presentations.⁴⁰ This helps preparing the troops in achieving not just a stable environment within which to negotiate or implement a cease fire agreement but also the furtherance of peace building activities⁴¹ and the need to nurture peace after signing of peace agreements.⁴²

This chapter observes that KDF has not been left behind in this and has set up International Peace Support Training Centre (IPSTC) and its the constituent schools, Peace and Security Studies School (PCSS), Peace and Security Research Department

³⁹ Beattie, Clayton, Canadian Army, "in H. Wiseman (Ed.), *Peacekeeping: Appraisals and Proposals*', Oxford: Pergamon Press, 1983 p 56.

⁴⁰ Grant, T, 'Training Needs for Today's UN Peacekeeping Missions', Paper presented at the 50th UN peace keeping Operations, Aug 2006, New Foundland.

⁴¹ White N D, 'Keeping the Peace: The United Nations and the Maintenance of International Peace and Security', Manchester University Press, 1977, p 269.

⁴² Dichl, P 'International Peace keeping', Baltimore and London: John Hopkins University Press(1993) p 212 and Christine Bell, 'On the Law of Peace: Peace Agreements and the Lex Pacificatoria', Oxford University Press, 2008 p298.

(PSRD) and Humanitarian and Peace Support School (HPSS)⁴³ which conducts predeployment training programmes for peace keepers and military observers in the KDF and to other military personnel drawn from Defence Forces in the East, Central and Southern Africa. During this phase the troops undergo a training session both physical and formal training done with the able guidance of the IPSTC and other resource persons drawn from other expert areas like ICRC, Save the Children amongst others.⁴⁴ The training covers such components as physical training, introduction to United Nations Peace Operations, effective mandate implementation, military disciplinary law, briefing on the country of deployment, disarmament, demobilization and reintegration, civil military coordination, media relations, UN communication, diseases prevalent, CIMIC and International Humanitarian Law.⁴⁵ From the research conducted, this study notes that of all these courses offered, aspects of peace keeping operations, disarmament, IHL demobilization and reintegration, civil military coordination and country of deployment brief were considered to have a very great impact to the peacekeepers in their mission to a great extent. With respect to the country brief focus should be on the culture, food how to interact with women. This is amplified by a recount of one of the interviewees who stated that;

In Darfur women and men do not meet and cannot shake hands; holy places are constructed on the roads by use of sand bags. One needs to know this because if you offend it then it can attract a hostile reaction from the local community. Also in East Timor, most women are short and if one is not careful you may disrespect a woman who may appear small but is a grandmother. Further in Darfur, every year in March, April and May there occurs 'Habub' (sand storms) and this hinders any form of movement. He says

⁴³ www.ipstc.org accessed on 18th August, 2011

⁴⁴ Interview with Brigadier Kibochi, Director IPSTC.

⁴⁵ Kenya Predeployment training Manual for Peace keepers by IPSTC

that troops deployed in Darfur should always be equipped with dust goggles. Similarly, in Yugoslavia, Sierra Leone, and East Timor the security situation was very fluid. In Yugoslavia 1 battalion lost their rifles to the warring parties. And in Sierra Leone Kenyan peace keepers were kidnapped. In 2009 after President Al Bashir indictment by the ICC the troops were advised on how to conduct themselves.⁴⁶

On the relevance of CIMIC it is noted that more than seventy five (75%) percent of the interviewees, acknowledged that the partnership with the other stakeholders namely UNHCR, WFO, Red cross, WHO, ICRC as well as Save the Children contributed to the success of the mission. They described the partnership as exciting, an eye opener, symbiotic and essential for the missions' success. Others termed it as cordial and beneficial as the aforesaid organisations are professional in executing their mandate. This stresses the aspect of civilian military coordination (CIMIC) a concept of the predeployment training programme without which there will be lack of coordination and multiplicity of efforts in the theatre of operations.⁴⁷

Out of the personnel who filled the questionnaires 86% of them indicated that they had undergone the predeployment training programme and rated the training as sufficient and specifically singled out the sub topic on the aspects of the peacekeeping operations as the best taught and understood by the peacekeepers. For clarity purposes aspects of peace keeping operations cover; consent of parties to establish a PKO, impartiality, universality amongst others. This to some extent explains the

⁴⁶ Interview with Lt Col Obonyo, Staff Officer 1 Analysis Department of Military Intelligence.
⁴⁷ Terrence.O, 'UN Peace keeping :Expectations and reality', Journal of Irish Studies in International Affairs, Vol 13,2002.p 201-214

professionalism with which KDF has in the past executed their mandate in the various peace keeping operations.⁴⁸

This chapter however observes that despite the high accolades, with which the sample size attributed to the predeployment course there is still room for improvement in the dissemination of the course. Firstly, the course content is solely drawn in English and the language of instruction is English. In light of the coming on board of the two Francophone countries to the East African Community (EAC) and for the centre to have the global image, the centre should embrace other languages especially the main languages spoken in the UN.⁴⁹ This has been bench marked with the Rwanda Military Academy which conducts its classes in English, Portuguese, French and Arabic.⁵⁰

There is also need for a mechanism by the trainers' for example at IPSTC to evaluate the training syllabus with a view to validate the predeployment programme amongst the peace keepers in the mission area. This will involve field trips to the various mission areas by the trainers or their representatives to interview peace keepers with a view of collecting hands on experience and feed back by the peace keepers in the mission area. Alternatively, IPSTC and its constituent schools should as a matter of policy is actively involved in the post deployment programmes so that they can secure feedback from the peace keepers upon return to Kenya. This will ensure that the training centers can evaluate and improve on the syllabus.

It is also noted that Kenyan peace keepers experience language problems in the mission area and have in the past relied on local interpreters to interpret the local dialect

⁴⁸ Thomas, J, 'Keeping the Peace: Africans Troops in UN Peace Missions', *Journal of African Affairs*, Vol 7, No.1 February-April 2007.

⁴⁹ English, French, Arabic, Spanish, Chinese, Russian

⁵⁰ Interview with Major Tum, Directing Staff at the International Peace Support Training Centre, Karen.

either when negotiating with the rebels or in the course of gathering information necessary for the mandate implementation. This has posed a challenge because much of the information is distorted in favour of the rebels and the spoilers who are not interested in the management of a conflict.⁵¹ From the foregoing KDF should introduce foreign languages like French, Arabic, in basic military training with a view to develop their language skills amongst the members of KDF.

4.3 Deployment Phase

4.3.1 Deployment of personnel and Equipment

It should be noted that the Government of Kenya represented by the Ministry of State for Defence usually enters into a wet lease arrangements with the UN. A wet lease refers to a situation where the contributing country provides equipment and assumes responsibility for maintaining and supporting major and minor items of the equipments deployed and for which the contributing country is reimbursed for the equipment and for the maintenance.⁵² The initial stage entails the identification, verification, painting white with the UN Logo all in accordance with the MOU signed between KDF and the UN. After ascertaining that all the equipment are ready for deployment and transportation which is either done by air or sea at the cost of KDF or the UN as may be agreed and this is reimbursable in line with the agreed scale and depending on whether the equipment deployed have met the agreed specifications and if not then the UN does reduce the rate of reimbursement on pro rata basis.⁵³

⁵¹ Ibid p 46

⁵² A/C .5/49/66 Annex II para 16 ,page 23

⁵³ Contingent Owned Manual on Policies and Procedures Concerning Reimbursement and Control of Contingent Owned Equipment of Troop Contributing Contributors Participating in Peace Keeping Missions(2008)

4.3.2 In mission training

Upon arrival at the theatre of operations it is incumbent upon the contingent commander to ensure that the predeployment training programme is followed through with more interactive training. This study observes that each Kenya Contingent Commander has to conduct such training and this normally include emerging issues, country brief which will include culture, language, religion, food, prevalent diseases amongst the locals, and the purpose of deployment. Another area of concern to the commander is the need to respect the host country's laws and the disciplinary law in Kenya. This is reinforced in each MOU and SOFA signed between the Government of Kenya and the Sending authority and host country respectively which provides that Kenya shall have exclusive criminal jurisdiction over the troops but they have to respect the laws of the host nation. To this end, the military disciplinary system in the mission area is not relaxed as the contingent commander still has the powers to dispose of cases under the Armed Forces Act and send the publications of any of the award to the MOSD HQ in Nairobi.⁵⁴

4.3.3 Pay and allowances

Before deployment to the mission area, KDF will pay its troops an allowance equivalent to one month's salary whereas the UN will upon deployment pays a reimbursement of USD 1028 per personnel deployed, personal clothing, gear and equipment allowance at the rate of USD 68 per month per contingent(provided that the troops have been kitted in accordance with required kit as agreed by the parties), USD 55 for personal weaponry and training ammunition per month per contingent, USD 330 for

⁵⁴ Court Martial held in Namibia to try peacekeepers who committed service offences while deployed in UNTAG.

specialist for example the demining company and a daily allowance of USD 1028 and recreational leave allowance of USD 10.50 per day for up to 7 days of leave taken during each six month period paid directly to the peace keepers from the peace keeping mission.⁵⁵ With the exception of the recreational leave allowance which is paid directly to the peace keepers, the rest of the money is paid to MOSD HQ for onward transmission to the personnel. Notably, it is the responsibility of the Government of Kenya to continue paying the troops their monthly salaries. However the staff officers and military observers receive their pay directly from the UN or any sending authority as the case may be.

This chapter observes that peace keepers no longer enjoy the subsistence allowance payable to a public officer on assignment outside the country.⁵⁶ This is despite an express provision that provides for this entitlement.⁵⁷ This is amplified by the data collected in the questionnaires where 99% of the sample size states that KDF should consider improving the pay earned by peace keepers in the mission. This study contends that this goes to the root of morale of the troops and it is only fair and practical that the Kenyan peace keepers get better remuneration to commensurate the work and responsibilities bestowed upon them when they are out there in the areas of deployment.

In light of the foregoing, this study notes that KDF should ensure that it exploits the maximum benefits from the UN reimbursement policy under the wet lease arrangement contained in the MOUs signed between Kenya and the UN with a view to achieve better remuneration to the peace keepers. This is being done by some countries whose participation in peace keeping operations has also been a chance to earn foreign

⁵⁵ MOU between the Government of Kenya and host countries to wit Sudan, Sierra Leone

⁵⁶ Interview with Brig Gituai Tai, Chief of Operations and Training, Defence Headquarters.

⁵⁷ Rules on payment of subsistence allowance by the Department of Personnel Management and Report on pay and allowances for Members of the KDF.

exchange to their national kitty and improve the life of its soldiers.⁵⁸ To achieve this, KDF should deploy serviceable equipments to the PKO and a sizeable number of personnel as this will mean that the rebates from the UN will be higher and this can be ploughed back into the national budget.

4.3.4 Compensation

In the course of deployment peace keepers are likely to witness massive death and suffering of the civilian population or even be targets by the rebels⁵⁹ and face attacks, kidnapping or death like what happened to Kenyan peace keepers in Sierra Leone.⁶⁰ In an event that there is death or injuries the process to compensation is triggered by a report to the UN and a consequent investigation in form of a board of inquiry convened by the contingent commander to investigate circumstances surrounding the facts of the case. Depending on the nature of the incident and the effect (be it death or injury) then other players will be included in the investigation for example the host country pathologist⁶¹, police to name but a few. Once the board of inquiry is completed, a copy is sent to UN HQ in New York and the other to MOSD HQ. The board of inquiry must be supported by a death certificate for death claim, detailed medical report for the disability claim, military police report.

The UN will then study the report and if satisfied that the circumstances that led to either the death/injury of the peace keeper is not attributable to negligence on their part or from terminal illness that would have been noted at the level of medical vetting before

⁵⁸ Bangladesh, India, Pakistan

⁵⁹ Gordonker L and Weiss T G (Ed) *Soldiers, Peacekeepers and Disasters*, London: International Peace Academy and Macmillan Academic and Professionals Ltd, 1991

⁶⁰ Interview with Major Karingithi, SOII COMMS /IT Defence HQ

⁶¹ This was discovered in the collection of the data where a Kenyan peace keeper died while on mission in Sierra Leone and this called for the involvement of the Government pathologist whom examined the deceased body and established the cause of death and issued a post mortem report.

deployment, the UN will ordinarily channel the compensation to MOSD HQ for onward transmission to the individual peace keeper or to the deceased peace keeper beneficiaries.⁶² This therefore calls for a more vigilant and expeditious process of reporting, investigating the matter and follow up with the UN HQ in New York.

The process of compensation has not been without delay in reporting and investigation as a result of which the peace keepers end up losing what is due to them⁶³ and other claims are submitted long after the missions have been liquidated. The study reports that the responsibility to expeditiously process such claims has been vested upon the contingent commanders and regimental medical officers who should fully understand their personal responsibility in obtaining in processing compensation from the UN in an event of death or injury to a Kenyan peace keeper.⁶⁴ Notably obligations to pay compensation by the UN are retained for one year after a mission winds up but under special arrangements by the General Assembly, unliquidated obligations for governments remain valid for additional four years. However for liquidated mission, it is important to file claims not later than 12 months after completion of the mandate of the peace keeping mission operation.⁶⁵

The call for compensation is indispensable and unavoidable as this sometime leaves the affected personnel incapacitated and sometimes not able to resume their normal duties. From the interviews and questionnaires filled by the sample size, it is evident that personnel who have previously served in peace keeping missions either got injured or know people who suffered injuries or died while on deployment. The study observes that a

⁶² Interviews with Brig Tai Gituai, Chief of Personnel, MOSD HQ

⁶³ 20% of the files held at DOD Operations and training branch have not been paid by the UN.

⁶⁴ Interview with Brigadier Murgor, Chief of training at the Defence HQ

⁶⁵ UN Financial Regulations for Contingent Members

number of peace keepers who got injured in various peace keeping missions have not been compensated and this has in the recent past caused some of the victims to be on the wrong side of disciplinary law because of their voice to the non-payment of the claims.⁶⁶ This is despite an express provision in the various MOU executed between the Government of the Republic of Kenya and the UN on various peace keeping missions.

Over 8% of those injured confess not to have been compensated for reasons not well known to them while 40% did not know whether their colleagues who got injured and/or their families of the casualties were compensated. This therefore calls for an improvement in the negotiations of the Memorandum of Understanding with a view to ensure that the interests of the peace keepers are well safeguarded and also a better understanding and management of such claims by the officers both at the CONTICO HQ and those based at MOSD HQ . This will avoid delays in the reporting, investigation and processing of the claim. A study of some of the documents in the custody of Operations and training branch shows that some claims are still pending and awaiting payment.

This can be achieved by ensuring that the negotiations of the MOU is done in good time before the troops are deployed and ensuring that the negotiations process employ the services of the legal officers in the employment of KDF and at the State Law office, a practice which is not currently the case. Where possible, it will also be of paramount importance to deploy military legal officers to accompany the contingent in the country of deployment and also post legal officers to work in the branch charged with operations and training. This will in turn call for an increase in the recruitment of more legal officers in the KDF so as to raise the number from 15 to probably 30 for a start hence

⁶⁶ Cpl Paul Saningo who filed a matter in Nakuru High Court for anticipatory bail in 2010 to protest attempts by military police to arrest him.

better administration and management of MOUs ,better processing of such claims and overall administration of justice.

4.3.5 Food and accommodation

The UN will normally provide food and water to the troops but where this is not possible or for initial provisioning a contingent unit is expected to have self sustainment arrangements for 21 days food rations and minimum 2 days bottled and in addition water treatment plants. This arrangement will not be subject to the MOU but is concluded separately.⁶⁷ Relatedly, it is the TCC's responsibility for the contributing country to provide catering facilities to its troops in accordance with the stipulated scale by the UN and then claim for reimbursement. Further the contingent is responsible in maintaining and servicing the kitchen facilities including all catering equipment, repair part and supplies such as dishes and cutlery but where the UN provides these ones, the contingent does not receive any reimbursement for this category.⁶⁸ From the data collected through the questionnaires and interviews, it has emerged that food supplies in the mission area is in high supply and others appreciate the weight gain during such deployment. This is no wonder the post deployment programme upon return to Kenya which aims at achieving weight loss amongst the peace keepers.

Similarly the UN expects the contributing country to provide accommodation to the troops in terms of permanent rigid structures fixed with heating, lighting, flooring, sanitation and running water. However when the UN provides accommodation to an equivalent standard the UN will not reimburse on this category as it spends a lot of money

⁶⁷ Ibid p 17

⁶⁸ Ibid p 20

taking up responsibilities of a TCC.⁶⁹ This study notes that the OIOS recent audit has found out that UNAMID had not had not complied with the requirement of providing hard walled accommodation and as a result, 70 per cent of the military and police units have not been provided with the necessary accommodation despite being in the mission area since its inception, approximately two years ago. The Mission's failure to provide contingents with the required accommodation facilities had resulted in contingents living in deplorable and poor conditions and increase in the United Nations had incurred approximately \$9.6 million towards additional payment to contributing country for non-compliance with the MOU on the provision of permanent accommodation.⁷⁰

From the interviews conducted, most of the interviewees seemed contented with the accommodation provided save for the female members of KDF who stated that their accommodation facilities were not separated from those of male peace keepers hence they did not enjoy their privacy.

4.3.6 Recreation facilities

The primary purpose and function of peace keeping is to contain and constrain violence to provide an atmosphere of calm and stability in which peacemaking and peace building efforts would be better able to resolve the roots of the conflict. To this end and depending on the mandate of the peace keeping mission , peace keepers are drawn into a life of less activity as compared to that in their sending countries where a soldier's day is programmed and busy with such activities as training, parade duties, relief operations, armed operations.

⁶⁹ Handbook on UN Multidimensional Peace Keeping Operations, 2003.

⁷⁰ Audit of Contingent Owned Equipment(COE) in UNAMID by the Office of Internal Oversight Services(OIOS)

This will in the long run leave the peace keeper with a lot of time in his hands and if not regulated with extra curricula activities could have a ripple effect in terms of indiscipline, abuse of alcohol and drugs, sexual exploitation of the local girls by the peace keeper resulting to infections with diseases like HIV/AIDS.

On the other hand, the task of a peace keeper is at times demanding, versatile and mentally wearing particularly especially where peace keeping operations are established in conflict prone areas where acts of violence and breaches of international and local agreements are daily occurrences hence increase the likelihood of psychological problems among peace support personnel.⁷¹ It is therefore necessary that the contributing authority do keep the peace keepers busy with recreational facilities like indoor games, satellites facilities for TV and it is against this background that the Commanding Officer of any Kenyan Contingent in the mission area is usually issued with an imprest to facilitate the general welfare of the troops.⁷² The UN pays a recreational leave allowance of USD 10.50 per day for up to 7 days of leave taken during each six month period.

From the research conducted this study note that many peace keepers complained of boredom and in the long run they resorted to drinking to occupy themselves. Of course a few of them indicated that they kept themselves busy on the internet and they studied online and were happy to graduate with a certificate from the Peace Operations Training Institute.⁷³ In light of the foregoing, KDF may borrow from the Finnish peace keepers where they focus on fitness exercises, travelling, reading, listening to music, television and video viewing during their off duty activities. Various ball games, athletics and jogging are forms of physical training. The peace keepers spend their off duty and leave days on

⁷¹ Thomas Britt and Amy Adler, *The Psychology of a Peace keeper* Praeger Publishers, 2003 p143

⁷² Interview with Lt Col Muvengei.

⁷³ Interview with Major(rtd) Nyakundi who was previously deployed in UNMEE

vacations in Finland. KDF should also establish a travel section in the battalion headquarters dealing with all matters related to travelling such as obtaining visas flight and ferry tickets for official and leisure travel trips for groups to tourist's resorts, to concerts and to sports occasions within the mission area are also organised by the travel section.⁷⁴

4.3.7 Leave

Matters of leave be it annual, compassionate should be well managed. This is because troops will normally be deployed for six months with an extension of another six months and owing to the harsh conditions in the mission area, it is incumbent on the Commanding Officer to ensure everyone has taken his leave days as and when they falls due. To this end, a Kenyan peace keeper is entitled to 32 days and this will be staggered as may be agreed with the Commanding Officer.

The UN also does provide administration flights during weekends to Kampala from the mission areas in the continent and this way the peace keepers within the region can reach home without much cost and hassle. However for some mission beyond Africa and it would be impractical for personnel to travel to Kenya for leave. A good example was the peace keeping mission in East Timor where Kenyan peace keepers would find it hard to travel to Kenya on leave but would cross over to Australia to spend their holidays.⁷⁵ In such circumstances, KDF can consider air lifting its peace keepers deployed in far flung countries to Kenya for leave or transporting the families of these peace keepers to neighboring countries with a view to maintaining close family ties.

⁷⁴ Cooperation ,Command and Control in UN Peace keeping operations by Captain(N)Leif Ahlquist,1996

⁷⁵ Ibid p70

4.3.8 Command and control

As discussed in Chapter two, the process to peace keeping concerns itself with the appointment of mission staff in the peace keeping missions and this includes the Head of Mission who will normally be the Special Representative of the Secretary General, Force Commander, Police Commissioner and other senior civilian staff. Equally Kenya as a contributing country normally appoints its Contingent Commander, Commanding Officer, Officer Commanding to be responsible with command and control of the troops while in the mission area. These officers are in charge of a battalion(s) from Kenya popularly known as KENBATT and administer the troop's morale, discipline and communicate⁷⁶ with the MOSD HQ in Ulinzi House, Nairobi. This involve the command of the troops and ensuring that they respect the laws of Kenya and in specific the Armed Forces Act and uphold the rule of law in the host country and where necessary take disciplinary action against an errant peace keeper (both at the summary trial or recommend trial by court martial which may either be convened in the area of deployment or in Kenya as may be decided by the convening authority).

However from the interviews conducted in this study, it is noted that KDF does not have a collective unit for purposes of deployment in peace keeping missions but draws the troops and the command element; the platoon commander, Officer commanding and the Commanding Officer from various units and or formations of the defence forces and this means that these are personnel meet for the first time during the predeployment training programme which takes only three months.⁷⁷ Notably, a country like Canada maintains

⁷⁶Ibid p 72

⁷⁷ Ibid p 74

forces which can be deployed at the request of the UN or any other sending authority on short notice.⁷⁸

4.3.9 Provision of medical services

After the troops have gone through the medical vetting and have satisfied the medical team, it remains a national responsibility for a contributing country to provide medical services for its troops in the host country. In peace keeping missions, there are various levels of medical facilities that is level 1, 2, 3 ,4 and 5 depending on the facilities and each level has the capacity to handle different injuries and ailments and the higher one being Level 5 for the most serious injuries. It is the contributing country's responsibility to equally provide medical care to all UN Staff permanently or temporarily in their area of responsibility. It is therefore incumbent on a contributing country that cannot provide all medical facilities according to the UN standards to advise the Secretariat during the negotiation of the MOU and in all cases prior to deployment.⁷⁹

To this end, Kenya has since 2005 deployed a level 2 facility (basic field hospitals) in UNAMID, UNMEE and Burundi. This comprises of a medical facility with five (5) medical officers, limited (basic) surgical, laboratory, sterilization and pharmaceutical capabilities and definitive treatment against a wide range of common diseases/illness.⁸⁰ Resultantly, the UN will satisfy itself of the quality and availability of the self sustainment services including medically related minor tools, drugs supplies(WHO Standards) and consumables and reimburse Kenya at the agreed self sustainment rates for

⁷⁸ Journal on Peace keeping and the United Nations(1964) and Krause K, '*Canadian Defense and Security Policy in a changing Global Context*', Canada Defence Journal , Vol 23 1994 p 109

⁷⁹ Ibid p 13.

⁸⁰ Ibid p 66.

the level of services provided.⁸¹ In an event of emergencies that cannot be handled at the Kenyan level 2 medical facility then the referral is done with consultation with the Chief Medical Officer to the next level of facility.⁸²

4.3.10 Communication between the troops and their families

Communication in the mission area is mainly a by way of telephone. The UN requires that the telephone system to have the ability to interface with the telephone system in the mission area. Other services that a contingent must deploy are the VHF/UHF-FM communications. These are the primary means of radio communications with sub units and sub elements of the contingent that are in tactical or mobile environment and thus unable to communicate via telephones while on the other hand there is also a requirement to deploy HF. Communications for use within the area of operation that are beyond the range of VHF/UHF-FM communications and are operating in a tactical or mobile environment.⁸³ This study notes that KDF has in the past deployed their troops with the necessary communication facilities but the same has not been without some challenges. There has been an issue of lack of adequate communication facilities in the mission area and low serviceability of the equipment hence leading to a challenge in transmitting information amongst the troops and to MOSD HQ.⁸⁴

Similarly, it is noted that KDF has not established a communication system for the peace keepers to communicate with their families and vice versa either by way of telephone calls or internet for the techno savvy personnel. However, the only available option to the peace keepers is the annual Peace keepers' Day when the MOSD HQ

⁸¹ United Nations Levels of Medical support (A/C.5/54/49,Annex III)

⁸² Ibid p 66

⁸³ Ibid p 38

⁸⁴ Interview with Lt Col Kenana, Staff officer 1 in Kenya Army Headquarter.

organises for an occasion for a few schools kids to congregate in MOSD HQ for purposes of handing over some Christmas cards to the CDF which are later sent to the peace keepers in the mission areas. This gesture is of course a kind one but it only comes once a year and not from the close family members so that the goal of maintaining family ties and constant touch with the peace keepers is not achieved. 90% of the sample size interviewed indicated that they are married and 25% of them acknowledge that their families were negatively affected during and after the deployment period.

This chapter is of the view that in its efforts to better manage the peacekeeping missions, KDF can make use of the newly employed journalists to develop documentaries of the troops while on deployment and then broad cast them in the various units of the KDF and in the media. This will serve as a way of communicating to the families and updating them of the whereabouts of their loved ones and at the same time serve as a way of creating awareness to the whole country of the role and experience of a Kenyan peace keeper. The study observes that KDF could also bench mark from the best practices from other countries that deploy in PKO and learn a few elements on how to improve on such communication and recreation facilities. A case in point is Finland whose peace keepers have access to daily news and other programmes, transmitted abroad by the Finnish Broadcasting Company Yleisradio convey news from back home to Finns around the world. The newspapers and magazines are also available for the peace keepers, sports and films are recorded in Finland for the peace keepers. Likewise domestic TV programmes; does give coverage to Finnish peace keepers and publicise on their role in their area of deployment. Notably contact to Finland are actively maintained by mail and by phone and the battalion's post office carrier's letters, parcels, papers and magazines in both directions

and also operates banking services. The Finnish have acquired the NMT phones to help better the communication and the battalion can watch sky channels.⁸⁵

It is noted that despite some of the traumatizing experiences that Kenyan peace keepers have to experience in the areas of deployment, this has not served as a deterrence factor in deciding whether a peace keeper may ever participate in future PKO. From the data collected, 79% says they would and/or advice others to take part in the PKO given another chance. The motivational factor may be due to the fact that they receive extra income in form of pay and allowances especially for the observers and staff officers. Notably, only 7% says they can not at all participate in future PKO and 14% aren't sure and are indecisive.

To amplify this response from those who have previously served in PKO, 92% supports the KDF participation in the PKO even though sometimes it means risking the lives of military personnel. When asked as to why they support being redeployed at the risks of losing friends, family ties or even worse risking to death, the interviewees responded as follows; 78% says that participation in peacekeeping operations raise Kenya level of authority within the region, 86% admits that it help promote Kenya influence in the region where operations takes place, 89% are of the opinion that peace keeping operations help raise the profession of personnel who take part in operations, 60% are very happy that this operations guarantees financial stability to their family and brings along financial stability/improved their financial stability and 32%, attest to the fact that peace keepers who participate in PKO are well respected.

Based on the first hand information from those deployed, the success of their mission and endeavors were contributed by several factors such as adequate protection

⁸⁵ Interview with Captain Lehuatif from the Finish Army deployed in UNFIL In South Lebanon.

force and force protection, existence of cease fire agreements, CIMIC with other organisations, cooperation from fellow peace keepers and the locals, adequate logistics by the UN, cooperation from other countries servicemen, learning to cope with hardships. Other mentioned past experience and predeployment training as the contributing factors. However, the interviewees proposed several recommendations to enhance KDF participation in peace keeping missions and their success thereof. These are enforcement of Chapter 7&8 during initial mission stage, increase compensation, better administration of leave, frequent home visits some proposing to be less than the six months as it is currently the case, improving military gears, consider gender parity and improve recreational facilities. From the interviews conducted 70% of the interviewees say that conditions in peace keeping missions will improve if the issue of recreational facilities is addressed.

4.4 Post deployment Phase

In the line of duty, peace keepers are exposed to a variety of potentially traumatizing events. For example peace keepers may witness large scale human death and suffering, widespread physical devastation, and may be themselves targets of violence. These experiences may increase the likelihood of psychological problems like post deployment psychiatrist stress disorder (PTSD) among peace support personnel.⁸⁶ For example Canadian peace keepers in Rwanda and Bosnia witnessed the massacre of women and children⁸⁷. Card reports that exposure to combat events is more strongly related to stress disorders⁸⁸. Another study of the Dutch peace keepers assessed the independent contributions of personality dispositions and exposure to traumatic events on psychological

⁸⁶ Ibid p 59

⁸⁷ Philip Vermimp, 'Death and Survival during the 1994 Rwanda Genocide', *Population Studies*, Vol 58, No.2, 2004 pp 233-245, p 238

⁸⁸ Card, J., 'Epidemiology of Post Traumatic Stress Disorders (PTSD) in a National cohort of Vietnam Veterans', *Journal of Clinical Psychology*, 1987 p 43.

well being⁸⁹. This phase helps in understanding the human aspects of military operations, enhance the effectiveness of future operations and help KDF better respond to the needs of the members and their families.⁹⁰ It is against this background and the need to rehabilitate the peace keeper back to soldier life that post deployment programme was introduced back in 2003.⁹¹

Of all those interviewed only 10% indicated that they had undergone post deployment training. This means that the programme has not had an impact on the troops and they don't associate themselves with the benefits of the programme. This is compared to a high score of 86% who underwent the predeployment programme. Further the study notes that only peace keepers undergo this programme and not military observers and staff officers. The programme runs for a period of three months and the main focus is on the physical training and such aspects as investment talks, counseling takes place minimally. Of importance to note is that the peace keepers do not undergo post deployment medical vetting save for HIV/AIDS and the counseling thereof so that a peace keeper who could have developed any other disease while out in the mission area will not be detected and is released to resume his duties with such a condition. This raises a concern because some peace keepers will upon return from the mission area have undergone traumatizing experiences and suffered PTSD and this is the best time to make contact with such a peace keeper and ensure that there is a follow up on the treatment and counseling or even change of deployment. This will in turn facilitate the identification of such an individual at an early

⁸⁹ Bramsen, I. Dirkwager, 'Predeployment personality traits and exposure to trauma as predictors of post traumatic stress symptoms: A prospective study of former peace keepers', *American Journal of Psychiatry* (2000) pp1115-1119, p 1117

⁹⁰ Baritone, P.T, 'Dimensions of Psychological Stress in Peace Keeping Operations', *Military Medicine*, (1998) p163

⁹¹ Interview with Lt Colonel Muvengei, Defence HQ

stage and reduce the tendency of military personnel deserting duty or being absent from work without leave and eventual dismissal from the force without addressing the root cause of the problem.

The programme should also be utilized by the command for purposes of rehabilitating families which more often than not face break ups during the time when one of the spouse is deployed in a mission area. The study notes that due to misunderstanding on the amount earned from such a deployment by either the expectations thereof, non fulfillment of such expectations has led to family break ups, others leave their ATMS Cards with their spouses and on return to Kenya finds no money. This amongst other causes of break up can better be addressed in the post deployment programmes especially for couples where there are children involved to ensure that the paramount interest of the children is maintained.

The programme has however borne fruits in terms of reducing the excitement and extravagance nature of peace keepers witnessed in the past where one would blow the hard earned cash on vanities without investing even a single coin hence being bad examples to the rest of the prospective peace keepers and families hence compromising on discipline in the force. This therefore calls for KDF initiate a study like this with a view to reviewing the programme to cover more areas of concern to the peacekeepers and their families. This will ensure more participation by the peace keepers and their rehabilitation back to soldier life. The low score can also be attributed to the fact observers and staff officers do not undergo the programme. That notwithstanding a mechanism should be developed to tap their experiences from their countries of deployment may be by encouraging briefing in writing once the mission is completed.

4.5 Conclusion

This chapter set out to examine the aspects of administration of peace keeping operations and this has been covered in Chapter 3. Equally, the researcher using the Kenya Defence Forces as a case study interviewed former peace keepers, military observers, staff officers and senior officers in KDF who are charged with the role of overseeing and coordinating the deployment of troops in peace keeping missions. Following this study and using UN guidelines, review of various MOUs between the government and the UN and benchmarking from other jurisdiction, the researcher has identified some gaps that have been a setback in Kenya's participation in peace keeping operations. In specific, this chapter has noted that the issue of reimbursement has in the past not been managed properly and the country has to a large extent not benefitted from its participation in peace keeping operations owing to lack of proper negotiations of MOUs with the UN on deployment of troops and non compliance with the terms of the MOUs.

This chapter confirms that the statement of the research problem has been addressed. By using KDF as a case study, the study has been able to identify shortcomings that in the long run impact on Kenya as a troop contributing country's participation in peace keeping operations. It is therefore necessary for a country to adequately prepare its troops, equipment for deployment otherwise with the ever expanding mandate in PKO, competition and politics in the arena, only the fittest will survive.

This study sought to investigate three hypotheses; the null, positive and the ideal on administration of peace keeping operations. The null hypothesis which negates this study has been demonstrated in this study where the researcher noted that KDF has at times not properly engaged the UN under properly negotiated terms hence deployment of the less

than agreed number of personnel and unserviceable equipment. On the other hand this study notes that KDF has in the past complied with the UN guidelines on training and no wonder the high rating of the predeployment training programme by the interviewees. It is also noted that KDF does conduct a rigorous medical vetting with a view to select the right personnel to deploy in the mission areas.

This chapter is informed by two interrelated theories; relative deprivation theory and human needs theory. The two theories have been applied in doing the analysis of the data collected both from the face to face interviewees and questionnaires. For the peace keepers to be able to execute their mandate out their in the mission area, this study argues that the basics needs like water, food ,accommodation and conducive environment all informed by the terms of engagement with the UN is paramount. If this is not done, peace keepers are likely to use a reference group like other peace keepers in the same mission who have better terms of engagement and feel deprived hence lack motivation in their work. That trend if not checked can affect a contributing country's performance in peace keeping missions.

CHAPTER 5:

CONCLUSIONS

5.0 Introduction

This study has discussed how peace keeping operations are administered generally from the perspective of the UN or any other regional organisation and has examined how the Kenya Defence Forces upon its acceptance to deploy in peace keeping missions does prepare its troops, equipment up to the deployment stage and post deployment stage. The study echoes the words by Boutros Boutros Ghali in Agenda for Peace where he observed that in the post cold war, peace keeping is a tool which has been applied in managing conflict and this means that peace keepers would be deployed in conflict prone areas either to create a stable environment or at times with a mandate of peace enforcement. The Agenda 199 observed that "the new breed of intra-state conflicts have certain characteristics that present peacekeepers with challenges not encountered since the Congo operation of the early 1960s", that these conflicts are "usually fought not only by regular armies but also by militias and armed civilians with little discipline and with ill-defined chains of command", and that "civilians are the main victims and often the main targets", the Agenda states that "the combatant authorities, in so far as they can be called authorities, lack the capacity to cope with them."¹

As noted in this study peace keeping operations will not be complete if the UN and the TCC do not address the issues that go to the root of the morale of the peace keepers be it the equipment, recreational facilities, command and control, pay and allowances ,food and accommodation to name but a few. This means that the TCC have

¹ SC Resolution 690,29 April 1991

to walk the process leading to peace keeping and cut their piece of cloth right from the inception before deployment. This study argues that participation in peace keeping operations is not for the 'faint hearted' as it is evident that a nation has to appreciate the politics of peace keeping operations and deploy troops not only for altruistic reasons and support the UN in maintenance of international peace and security but also with a view to maximizing the benefits that accrue from such deployment in peace keeping missions.

The study has established that KDF in the past deployed in various missions and continues to do so as and when a request is made by the UN or the AU. This is despite a million dollar question which has already been posed by Kenyans, why deploy in PKO if your own country is not safe. I must say that these are genuine concerns but one cannot close their eyes to the role of the KDF as stipulated by the Constitution² the primary role being the defence and protection of sovereignty and territorial integrity of the country. This chapter argues that this function will not be achieved if Kenya just watches as its neighbours in the region digress into a state of anarchy and total breakdown of systems. Kenya's deployment of its troops in such conflict prone areas is a way of better managing the conflict with a view to defending and protecting its territorial integrity while at the same time supporting the UN in its maintenance of peace and security with a view to achieve a stable environment for post conflict peace building activities.

If KDF were to be deployed internally to manage low intensity conflicts within our borders, what would be the work of the National Police Service? However all is not lost because under Article 241(3) (c) KDF may be deployed low intensity conflicts but only with the approval of Parliament.

² Article 241(3)(b)(c) of the Constitution of Kenya, 2010

On the other hand, if it is not desirable for Kenya to continue deploying the regular force in peace keeping missions, an auxiliary reserve force can be created with a view to maintaining a reserve force composed of members of the other disciplined forces and the unemployed youth out there under the command of the military for purposes of training and deployment to such missions. This will entail calling out the reservists for training on specific period of time during the year for training. Alternatively KDF can reactivate the reserve force³ provided for in the Armed Forces Act where reservists will be called out for training for a specified period of time and deployment in peace keeping missions.

This will go a long way in tapping the unemployed youth in the country, train them and call them out for training as when there is request to deploy in such missions. In doing this, KDF will appreciate the emerging notion of human security where in its efforts to recruit the youth and deploy them such problems like insecurity, security dilemma, cattle rustling in society will be dealt with not from a state centric perspective but that of human security. Human security has been defined as the emerging concept that seeks to safeguard the vital core of all human lives from critical pervasive threats, without impeding long-term human fulfillment". In a concept as such, she suggests the "vital core" cover a minimal or basic or fundamental set of functions related to survival, livelihood and dignity; and all institutions should at least and necessarily protect the core from any intervention⁴.

³ Section 182-199 of the Armed Forces Act, Chapter 199 of the Laws of Kenya.

⁴ Sabina Alkire 'A conceptual Framework for Human Security', Centre for Research on inequality, Human Security and Ethnicity(CRSE), Working Paper 2, London: University of Oxford, 2003 and Sana O (2008): Good Governance as a Building Block towards Improved Human Security in the Horn of Africa In Mwagiru M. ed. Human security: 'Setting the Agenda for the Horn of Africa': Africa Peace Forum p 44

This study therefore contends that deployment of troops from KDF to peace keeping operations is here to stay not unless there is a total paradigm shift from the policy makers. This therefore means that for Kenya as a country to reap maximum benefits from in future deployments in PKO, KDF being the main player in the arena has to relook at some issues as discussed in Chapter Four with a view to better its participation in such missions. In specific is the issue of the reimbursement from the UN, which is based on the agreed scale in the various MOUs that GOK has executed with the UN. KDF should comply with the MOU that govern each and every mission so that deployment of personnel and equipment both major and self sustainment be as per the wet lease arrangement with the UN. This may call for an evaluation of the capacity of the KDF in terms of the personnel and equipment with a view to improving the wet leases with the UN or adopting the dry lease arrangement.

The study also observes that KDF is very progressive in its predeployment programme to the troops, military observers and staff quarters. Of course this has been amplified by the fact that Kenya is a host to the IPSTC and its constituent schools and therefore reaps much of the benefits in terms of quality of course content and the staff deployed to execute the mandate. Additionally, KDF should as a matter of policy introduce foreign languages in the basic military with follow up training depending on deployment. This will go a long way in ensuring that KDF overcome the language problems experienced in areas where English is not the official language by the locals like in Somalia, Sudan, Ethiopia and West Africa.

This study also appreciates the fact that Kenya has to appreciate the politics of peace keeping operations and in addition to its support to the UN in its maintenance of international peace and security actively participate in the arena not only for altruistic reasons but also to earn foreign exchange for the country.⁵ This therefore calls for KDF to reevaluate its deployment in PKO in terms of personnel and equipment in terms of procuring additional serviceable and appropriate equipment for deployment as per agreed MOU with the UN. This will also translate to better negotiations of the various MOUs by involving the technical experts from the Ministry, Military Affairs Office In DPKO IN Newyork and Legal Officers.

At the same time, KDF can take advantage of peacekeeping missions ongoing in the region such the UNAMID, UNIMISS, MONUSCO and use the UN rebates from the peace keeping missions to develop such corporations like the Kenya Ordinance and Factories Corporation in taking up the supply of ammo to the neighbours, upgrade the Defence Forces Memorial Hospital to level 5 as defined by the UN, like Nairobi Hospital for purposes of provision of medical facilities and then get reimbursed by the UN.

Recognizing the short notice within which the UN may at times request for troops to deploy in conflict prone areas, KDF should establish a stand by brigade in terms of personnel and equipment for purposes of deployment in such missions. This brigade will oscillate between the various formations of the KDF for a specific period of time. This will improve the preparedness in terms of training, cohesiveness amongst the troops, adequate time to provide the military gear, undergo medical examinations.

In order to better its participation in such missions and with a view to address some of the concerns from the sample size especially on accommodation, and recreational

⁵ M.A Dissertation in International studies by Charles Tai Gituai (2007)

facilities, KDF should conduct an audit of the infrastructure in all the missions where Kenya is currently deploying its troops. Depending on the report and the decision of whether to do wet or dry lease, deliberate efforts be made to improve such facilities in line with the guidelines issued by the UN.

Recalling the UN resolution of 1325 (2000) on women, peace and security, KDF should increase the deployment of more female members of the force into the peace keeping missions. Of course one may wonder whether the numbers are there in the first place but the answer to this lie in increased recruitment of more women into KDF.

For purposes of tapping the vast majority of retired personnel who previously served in peace keeping missions, KDF should reevaluate its scheme of reengaging retired officers. This will ensure that KDF source for work and deploy the retired members of KDF in the UN jobs and that way Kenya will maintain its presence in that global arena though not with the deployment of the regular force. Such personnel will in turn be of immense use to KDF in offering advice in deployment in peace keeping missions.

On the issue of communication KDF should reform its existing system as to how peace keepers communicate with their families. There should be a deliberate attempt from Defence HQ to provide a more accessible, flexible means of communication. The postal services in KDF should be more vigilant in sending and receiving letters, post cards from the peace keepers and sending them to the family's door step and vicesa. This will ensure that the family is in constant communication with the family hence reducing homesickness, stress disorders and family breakups.

With respect to military personnel living HIV/AIDS positive and those suffering from terminal illness and the policy not to deploy such people, KDF should reform this

position to afford a chance to such persons. This is because locking them out of such deployment on the basis of their health status amounts to discrimination and is contrary to Section 27 of the Constitution of Kenya, 2010. Such personnel can alternatively be under the close watch of the medical team deployed in the Kenyan Level Hospital. Of course this argument is alive to the fact that the condition can get worse and this will call for repatriation when one is not able to attend duty.

BIBLIOGRAPHY

Books

- Aksu, E, *The United Nations Intra State Peace Keeping and Normative Change*, Manchester: Manchester University Press, 2003.
- Beattie, Clayton 1983, Canadian Army, "in H. Wiseman (Ed.), *Peacekeeping: Appraisals and Proposals*, Oxford: Pergammon Press Bellamy A.J, &Williams, P, *Peace Operations and Global Order*, London: Routledge, 2008.
- Understanding Peace Keeping*, London: Polity Press, 2004.
- Britt, T, & Adler, B, *The Psychology of the Peace Keeper, Lessons From the Field*, Westport: Praeger Publishers, 2003.
- Blagesico, M, *Reforming UN Peace Operations: New Challenges for Peace Keeping Training*, Newyork: United Nations University Press, 2002.
- Burton, J, *Violence Explained: The Source of Conflict, Violence and Crime and their Prevention*, Manchester, 1997.
- Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria*, Oxford University Press, 2008.
- Dahrendorf, N, *A Case for Change*, London: International Policy Institute, 2003.
- Dallaire, R, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, Ottawa: Arrow Books, 2004.
- Emanuel Adler and Beverley Crawford (eds.), *Progress in Postwar International Relations*, New York: Columbia University Press, 1991.
- Fetherston, A.B, *Towards a Theory of Peace Keeping*, New York: Macmillan Press Ltd, 1994.
- Findlay, T, *Challenges for the New Peace Keepers*, New York: Oxford University Press, 1996.

- F.T Liu, *United Nations and Non Use of Force*, Baltimore: The John Hopkins University Press, 1973.
- Garuba, C(Ed) *Capacity Building for Crisis Management in Africa*, Lagos, Nigeria: Gabumo Publishing Company, 1998.
- Ghali, B, B *An Agenda for Peace*, A/47/277-S/24111. New York: United Nations, 1992.
- Gordenker L and Weiss T G(Ed) *Soldiers, Peacekeepers and Disasters*, London: International Peace Academy and Macmillan Academic and Professionals Ltd, 1991.
- Howard, L, *UN Implementation in Namibia*, New York, St Martin's Press, 2002.
- James, A, *Peace Keeping in International Politics*, New York, St.Martin Press, 1990.
- Jett .D, *Why Peace Keeping Fails*, New York: Palgrave Publishers Ltd, 1999.
- Lewis, W, *Peace Keeping: Whither U.S policy?* Quinn 1994.
- Mwagiru M, *Conflict: Theory, Processes and Institutions of Management*, Nairobi: Watermark Publications, 2000.
- *African Regional Security in the Age of Globalisation*, Nairobi: Heinrich Boll Foundation, 2004.
- Mays TM (Ed) *African's First Peace keeping Operation: The OAU in Chad*, Praeger, 2002.
- Mohamed Sameh M.Amar, *The Role of the International Court of Justice as the Principal Judicial Organ of the United Nations*, Netherlands: Kluwer Law International, 2003.
- Path Man R.G, *Disarming Somalia: The Contrasting of and Australian Peace Keepers during UN Intervention*, Cambridge: Cambridge University Press, 1993.
- Quinn, D. *Peace Support Operations and the US Military*, Washington, D.C.: National Defence University Press, 1994.
- Rikhye, I, *The Thin Blue Line*, New Haven: Yale University Press, 1974.

S Licht, *'Women as agents of change in conflict and post-conflict situations'*, in M Glasius & M Kaldor (eds), *A Human Security Doctrine for Europe*, London: Routledge, 2006.

Thomas Britt and Amy Adler, *The Psychology of a Peace Keeper*, London: Praeger Publishers, 2003.

United Nations, *The Blue Helmets: A Review of the United Nations Peace Keeping*, New York: United Nation Publications, 1996.

Wainhouse, D, *International Peace Keeping at the Cross Roads: National Support Experiences and Prospects*, Baltimore & London: John Hopkins University Press, 1973

Weinstein, J, *Inside Rebellion: The Politics of Insurgents Violence*, Cambridge: Cambridge University Press, 2007.

Documents and Reports

A Adrian-Paul & P Naderi, UN SC Resolution 1325 Women, Peace and Security: *Issues and Instruments-The Afghan Context*, London: International Alert and ASCF, 2005

Amnesty International, *'Iraq: decades of suffering. Now women deserve better'*, 22 February 2005, at <http://web.amnesty.org/library/index/engmdel40012005>

'The Causes of Conflict and Promotion of Durable Peace and Sustainable Development in Africa' Report of the Secretary General, A/52/871-8/1198/318 of April 1998 Para 3.

Core Pre-Deployment Training Material (CPTM) and the Specialized Training Material (STM) for Peace keepers A/C .5/52/39 para 65(a).

Comprehensive Report on Lessons Learned from United Nations Operations in Somalia, December 1995.

Contingent Owned Manual on Policies and Procedures Concerning Reimbursement and Control of Contingent Owned Equipment of Troop Contributing Contributors Participating in Peace Keeping Missions, 2008.

Core Pre-Deployment Training Material (CPTM) and the Specialized Training Material (STM) for Peace keepers

Downes, C, 'Challenges for Smaller Nations in the New Era of UN and Multinational Operations', in Smith, H (ed.), *Peacekeeping - Challenges for the Future* Canberra: Australian Defence Studies Centre. 1993); and 'Demobilisation after Civil Wars', in IISS, *Strategic Survey 1993-1994* (London: Brassey's for the IISS)

Holt, V and Taylor, G *et al*, '*Protecting civilians in the Context of Peace keeping Operations*' (New York: UN Department of Peace Keeping Operations (DPKO)/Office of the Coordination of Humanitarian Affairs (OCHA), November 2009.

Klot, Jennifer F. "UNDP/BCPR, *Gender Mainstreaming in Crisis Prevention and Recovery, A Forward Looking Review*, February 2006.

Principles and Guidelines of the United Nations Peace Keeping Operations, 2008.

UN Security Resolution 1308(2000) on the Responsibility of the Security Council in the Maintenance of International Peace and Security: HIV/AIDS and International Peace-keeping Operations.

United Nations Secretary General Bulletin, on applicability of International Humanitarian Law in Peace Keeping Operations, 1999.

UN General Assembly ,Report of the Panel on United Nations Peace Keeping Operations (the Brahimi Report), 21 August 2000, A/55/305-S/2000/809, PARA 48

United Nations 2000a. Comprehensive Review of the Whole Question Of Peacekeeping Operations In All Their Aspects, Doc A / 55 / 305; S / 2000 / 809, New York: United Nation.

Journals and Papers

Asbjørn Eide, 'Peace-Keeping and Enforcement by Regional Organizations: Its Place in the United Nations System', *Journal of Peace Research*, Vol. 3, No. 2 (1966), pp. 125-145(j)

Baritone, P.T, 'Dimensions of psychological stress in peace keeping operations', *Military Medicine*, 163, 1998.

Dirkzwager, B 'Predeployment personality traits and exposure to trauma as predictors of post traumatic stress symptoms': *A prospective study of former peace keepers*, *American Journal of Psychiatry*(2000), 157, 1115-1119

Bellamy, D, *Who is Keeping the Peace: Regionalisation and Contemporary Peace Operations*, *International Security*, Vol 29 No.4 Spring, 2005.

- Boulden, J, 'Mandates Matter: An exploration of Impartiality in United Nations Operations', *Global Governance*, Vol 11, No. 2, 2005.
- Card, J 'Epidemiology of Post Traumatic Stress Disorders (PTSD) in a National Cohort of Vietnam Veterans', *Journal of Clinical Psychology*, 1987.
- Christie, D, J, 'Reducing Direct and Structural Violence: The Human Needs Theory in Peace and Conflict', *Journal of Peace Psychology*, Vol 4 No. 3, 1997
- H Charles worth & M Wood, 'Women and human rights in the rebuilding of East Timor', *Nordic Journal of International Law*, 71 (2), 2002.
- Journal by American Society of International Law on United Nations: Report on the Panel on United Nations Peace Operations, Vol 39, No. 6, 2008
- Journal on Peace keeping and the United Nations, 1964 and Krause K, *Canadian Defense and Security Policy in a changing Global Context*, *Canada Defence Journal* (109) Vol 23 1994.
- Hundt U.A, 'Coping with Peace Keeping', in *Saluut*, Vol 3 No. 1 1996.
- King, C 'The Micropolitics of Social Violence' *World Politics* Vol 56, No. 3, 2004
- Kotani, H, 'Peace Keeping: Problems for Smaller Countries', *International Journal* Vol 19 No. 3 1964
- Korzeniewski, K, 'United Nations Transition Assistance Group (UNTAG): Peace keeping in Africa', *International Journal of Medicine*, Vol 2 Issue 1, January-March 2009.
- Louise D. B 'The Civilian in the Crossfire' *Journal of Peace Research* Vol 24, No. 3, 1987
- Malan, M, 'Foundations for Regional Security: Preparing to Keep the Peace in Southern Africa', *Africa Security Review* Vol 5, No. 1, 1996
- Mars R. B, 'Fateful Encounter: The United States and UN Peacekeeping', *Survival*, vol. 36, No. 1, Spring 1994
- Michael Gillian and Stephen Stedman, *Where do the Peace Keepers Go?* *International Studies Review*, Vol 5, No. 4, 2003

- Mwagiru, M '*Conflict Management in the Horn of Africa: Redefining an Emerging African US Relationship.*' Paper presented at the 6th Kenya-US Studies Association Colloquium on "The future of US-Africa Relations" in Egerton University.
- Terrence, O, '*UN Peace Keeping: Expectations and Reality*', *Journal of Irish Studies in International Affairs*, Vol 13, 2002.
- Thomas, J, '*Keeping the Peace: Africans Troops in UN Peace Missions*'. *Journal of African Affairs*, Vol 7, No.1 February-April 2007.
- Grant, T, '*Training Needs for Today's UN Peacekeeping Missions*', Paper presented at the 50th UN peace keeping Operations, Aug 2006, New Foundland.
- Staff Paper Prepared by the UN Secretariat, '*The United Nations, Regional and Sub-Regional Organizations: Cooperation in the Peace and Security Field*'. Prepared for the Meeting on Cooperation Between the United Nations and Regional Organizations, United Nations Headquarters, 1 August 1994.
- Sabina Alkire, '*A conceptual Framework for Human Security*', Centre for Research on inequality, Human Security and Ethnicity(CRSE), Working Paper 2, London: University of Oxford, 2003 and Sana O (2008): Good Governance as a Building Block towards Improved Human Security in the Horn of Africa In Mwagiru M. ed. '*Human security: Setting the Agenda for the Horn of Africa*': Africa Peace Forum.

APPENDIX A

Instructions:

This survey is designed to obtain feedback from personnel who have served in peace keeping missions as well as those in supervisory positions in the Kenya Defence Force. For confidentiality purposes the survey results will only be reported in general terms and will not identify respondents. Please give your response that best represents your personal and independent opinion. Please put a tick (✓), an X or answer as appropriate. (DO NOT WRITE YOUR NAME)

PART I: DEMOGRAPHICS

1. Please indicate your Gender

Male Female

2. Please indicate your age bracket

< 25yrs 26-30yrs 31-35yrs 36-40yrs 41-45yrs 46-50yrs over 50yrs

3. What is your highest level of Education?

PhD Masters Degree Diploma Certificate O-Level A-Level

4. Please indicate your Designation

5. Years of service in the service

<1 year 1 -5 yrs 6-10 yrs 11-15 yrs >15yrs

6. Please indicate your marital status

Single Married Divorced Widowed

PART II: ADMINISTRATION OF PEACE KEEPING IN KENYA

7. Have you served in the peace keeping mission?

Yes No

8. If yes, how did you join?

Voluntarily Compulsory Automatic Coercion

9. Kindly mention the country you were deployed to serve in your Peace Keeping Mission

10. In this mission, at what capacity were you serving

Peace keeper Observer

11. In terms of compensation, how would you rate it compared to the mission assignment?

Very satisfactory Satisfactory Neutral Dissatisfactory Very dissatisfactory

12. Did you undergo any induction or training before going to the mission

Yes No

13. According to this training given/induced, do you think all aspects of Peacekeeping Operations (PKO) were well conveyed?

Yes No

14. To what extent did the following Enabling Component/training aspects aid you in your mission

To a V. great extent To a great extent Neutral To a small extent To a V. small extent

Introduction to United Nations Peace Operations

Effective Mandate Implementation

Discipline Conduct i.e. UN norms of conduct & prohibition of sexual exploitation

Country of deployment Brief

Disarmament, Demobilization and Reintegration

Civil Military Coordination

UN Communication

Diseases prevalent

15. How would you rate this training compared to the mission engaged

V. Sufficient Sufficient Neutral Insufficient V. Insufficient

16. How long did the mission last

17. How different is the Culture, language and religion of the country of your deployment?

18. How did you cope with this difference

19. Did you partner with other actors like UNHCR, WFP, WHO, ICRC or Save the children?

Yes No

20. What is your opinion in regard to this relationship?

21. During this mission, did you encounter situations that put your life as well as others at risk?

Yes No

22. If yes, what could have been the cause of that situation?

Mistakes made by your commander

Your own mistakes

Lack of proper military training that fits the assignment

Incorrect actions/mistakes of subordinates

Mistakes of svc men from other forces of other nations

Force of circumstances

Communication and cooperation problems with subjects

Caught unaware in crossfire

Other

23. During the mission, were you injured, or do you know someone who was injured

Yes No

If yes, were you or your colleague compensated

Yes No Don't
 know

24. According to your opinion, to what extent does deployment affect the following aspects in your life and your family?

To a To a Neutral To a To a

very great extent	great extent	small extent	very small extent
-------------------------	-----------------	-----------------	-------------------------

- Felt Mental distortion
- Physically challenged
- Depression and sleeping disturbance
- Substance abuse
- Post-traumatic stress disorder (PTSD)
- Feeling Alienated & betrayed by others
- Feeling scared and hopeless
- Financial stress

25. Did this mission affect your family life negatively?

Yes No

26. If yes, kindly explain how your family life was affected?

27. Given another chance, would you take part or advice a person to take part in a PKM?

Definitely Not at all Not sure

28. According to your own opinion, do you think Kenya should be taking part in peacekeeping missions even though sometimes it means sacrificing soldier's lives?

Yes No

29. If yes, why

- Peacekeeping operations raise Kenya level of authority
- PKO help promote Kenya influence in the region where operations takes place.
- Peace keeping operations help raise the profession of personnel who take part in operations
- It guarantees financial stability to the family of officers involved
- It guarantees promotion at work place afterwards
- Individuals are well respected now
- It brings along financial stability/improved financial stability for individuals
- Helps conquer individual fears

30. For Kenyan peace keepers to perform better to what extent do you think this aspects need to change?

To a Very
great
extent

To a
Great
extent

Neutral

To a
small
extent

To a V.
small
extent

- Increase the compensation
- Improve the military training
- Improve the pre-deployment training
- Consider gender equality
- Therapy sessions to be improved
- Improve the quality of military gears
and equipment for PKM

31. What is some of the things that made your mission a success

32. Mention some of the challenges you faced during the mission

33. What would you like to change to make these missions a success and beneficial to the affected

34. Did you undergo a post deployment training programme?

Yes No

35. To what extent were the following aspects covered during this programme

	To a Very great extent	To a Great extent	Neutral	To a small extent	To a V. small extent
Talks on how to invest the proceeds from the mission					
Physical training					
Counseling by chaplains/counselors					
Family welfare matters					
A general post appraisal of the challenges and lessons learnt in the mission area.					
Was the post deployment programme sufficient in rehabilitating you back to the normal life of a soldier/police as compared to that of a peace keeper?					