

Revista de derecho militar y de derecho de la guerra

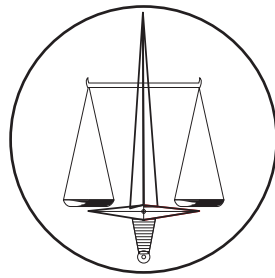
---

Rivista di diritto militare e di diritto de la guerra

**47**

3-4

**Revue de Droit Militaire  
et de Droit de la Guerre**



**The Military Law and  
the Law of War Review**

**2008**

Zeitschrift für Militärrecht und Kriegsrecht

---

Tijdschrift voor militair recht en oorlogsrecht

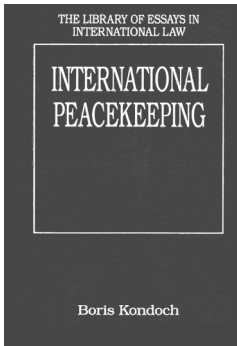
**BORIS KONDOCH,**

*International Peacekeeping,*

**Aldershot, Ashgate, 2007, xxxii + 578 pp.**

ISBN 978-0-7546-2395-3 – 155 £ (HB)

<http://www.ashgate.com>



Opening a newspaper, one can read about armed forces working in Peacekeeping Operations all over the world: in Congo, Cyprus, Rwanda, Lebanon, as well as in East Timor. The question is which rules and regulations they are bound by and whether these rules bind all members of each mission in the same way.

In a world in which the legal, political, military and social circumstances and structures rapidly change, this book takes on the challenging task to analyse and illustrate the complexity of International Peacekeeping Operations. Meeting this challenge exceptionally well, Boris Kondoch has compiled a finely selected collection of essays written by internationally recognised authors. In these sections, the authors explain the legal, political, social and cultural fundamentals of International Peacekeeping Operations, elucidating their connections and imparting detailed knowledge.

With this work Kondoch has published an excellent volume representative of the series “The Library of Essays in International Law”. The editors of this series have made it their business to promote the development of the law, to disseminate knowledge of a specific area of law and to simplify the access to the most relevant articles concerning this matter. To achieve this, a leading authority creates a selection of essays of central importance for the development of the respective area of law. In the work in hand, Boris Kondoch, Professor of the University of Peace in South Korea, undertook the complex assignment to select, order and place in context essays from the tremendous quantity of academic legal writing published in journals throughout the world on this subject.

Kondoch has relied, among others, on extracts from journals and publications like the *American Journal of International Law*, the *Yearbook of International Humanitarian Law*, *Global Governance* and *International Peacekeeping* from the period between 1964 and 2006.

The Book is divided in five parts, entitled “The Role of Law in International Peacekeeping”, “The Constitutional Basis of Peacekeeping”, “Principles of International Peacekeeping”, “Law Applicable to Peacekeeping Operations”

and “International Administrations”. Each part begins with a comprehensive introduction written by the editor, in which he analyses, summarises and combines the findings and experiences of the extracts and supports the resulting understanding by referring to the detailed extracts with precise references.

In the first part, Oscar Schachter and Nina Lahoud examine “The Uses of Law in International-Peacekeeping” and “The “Rule of Law Strategies for Peace Operations””.

The contributions of Alexander Orakhelashvili on “The legal basis of the United Nations Peace-Keeping Operations” and of Nigel D. White on “The UN-Charter and Peacekeeping Forces: Constitutional Issues” form the second part of the work.

Part III considers the legal framework applicable to UN Peacekeeping Operations. David Wippman (“Military Intervention, Regional Organisations, and Host-State Consent”) and Christine Gray (“Host State Consent and United Nations Peacekeeping Operations in Yugoslavia”) illustrate the necessity of a consent of the Parties, while Katherine E. Cox points out the connection between peacekeeping and the use of force (“Beyond Self-Defence: United Nations Peacekeeping Operations and the Use of Force”). Afterwards, Heike Spieker deals with the Legal Principles of Peacekeeping and the Brahimi Report (“Changing Peacekeeping in the New Millennium? – The Recommendation of the Panel on United Nations Peace Operations of August 2000”).

Part IV discusses which law is applicable in Peacekeeping Operations. Within this sphere, four excellent authors examine the relations to international humanitarian law: Ray Murphy (“United Nations Military Operations and International Humanitarian Law: What Rules Apply to Peacekeepers?”), Marten Zwanenburg (“The Secretary-General’s Bulletin on Observance by United Nations Forces of International Humanitarian Law: Some Preliminary Observations”), Peter Rowe (“Maintaining Discipline in United Nations Peace Support Operations: The Legal Quagmire for Military Contingents”) and Robert C.R. Siekmann (“The Fall of Srebrenica and the attitude of Dutchbat from an International Legal Perspective”). Bruce M. Oswald (“The Creation and Control of Places of Protection during United Nations Peacekeeping Operations”) explains the effects of Human Rights during Peacekeeping Operations, Diane F. Orentlicher (“Responsibilities of States Participating in Multilateral Operations with Respect to Persons Indicted for War Crimes”) and Carsten Stahn (“The Ambiguities of Security Council Resolution 1422”) discuss the relationship between international criminal law and Peacekeeping Operations. Last but not least, Borhan Amrallah (“The International Responsibility of United Nations for Activities Carried out by UN Peace-Keeping Forces”) and Daphna Shruga (“UN Peacekeeping Operations: Applicability of International Humanitarian Law and Responsibility for Operations-Related Damage”) investigate the responsibilities and liabilities of peacekeepers, while Ola Engdahl examines the “Protection of Personnel in Peace Operations”.

The fifth and last part of the book treats the legal issues arising from International Administrations. The authors analyse the new challenges and complex problems which emerge when the mandate of a Peace Keeping Operation includes administration tasks. Therefore the writers develop new success-oriented and sweeping solutions. In this sense, Ralph Wilde gives a detailed report in “From Danzig to East Timor and Beyond: The Role of International Territorial Administrations”, while Boris Kondoch discusses “The United Nations Administration of East Timor”. Concerning Kosovo, Marcus G. Brand reports about the “Institution-Building and Human Rights Protection in Kosovo in the Light of UNMIK Legislation”, John Cerone writes about “Minding the Gap: Outlining KFOR Accountability in Post-Conflict Kosovo” and Leopold von Carlowitz discusses “Crossing the Boundary from the International to the Domestic Legal Realm: UNMIK Lawmaking and Property Rights in Kosovo”. Frederick Rawski adds the last contribution, entitled “To Waive or Not to Waive: Immunity and Accountability in U.N. Peacekeeping Operations”.

This book is an unequalled coherent work which illustrate the range of problems of Peacekeeping Operations comprehensively and which is well readable and understandable through its pleasant language. Because of that, this publication has the potential to become a standard work in the area of international peacekeeping.

Moreover, it can warmly be recommended to a large audience. On the one hand, it is directed at experts like UN staff, members of the armed forces and legal advisers. On the other hand, the publication is also suitable for non experts, like students, because it introduces them to this multi-faceted area of law and provides an entertaining and informative impression of peacekeeping operations trough the comprehensive topics arranged in the book.

*Janina Bollmann*