



Study Guide

Legal Committee

GaIMUN XIX



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Letter from the Chairpersons

Honourable delegates,

Allow us to offer you a warm welcome to the Legal Committee of the 19th edition of GALMUN. We would like to congratulate you on your courage to enroll in the debate on "Legal Issues Arising in UN Peacekeeping Operations"! Participating in such an academically challenging conference is truly admirable, and it is with sincere honor that we take it upon ourselves to ensure you have the most pleasant experience within our committee. We are looking forward to meeting all of you and witnessing your involvement in fruitful debates!

We present you with this Study Guide, which is bound to be the starting point of your research before the conference. We highly encourage you to further your knowledge of the topic by conducting individual studies, as the problems we will tackle within our debate are very serious. You must be well-documented. Do not be intimidated by the nature or volume of the documents you will have to review. Once you begin reading them, you will understand how relevant these issues are and how enriching the discussions about them can be. We assure you that the topic is of great importance, and you will enjoy participating in coming up with solutions!

Our goal for the conference is to pass on to you the knowledge we have gained from our previous experiences and to ensure that each one of you can surpass yourselves with the help of this wonderful topic. For this to be feasible, we advise you to always adhere to your country's stance, regardless of any personal opinions, address as many points of information as you can, and gain insight into the policies of other countries as well.

As for you, delegates, we eagerly await your arrival and hope to see you as excited as we are, well-rested, and confident in yourselves! Regardless of the academic aspect of the conference, we remind you that MUNs mean much more than that, and we hope that all delegates make the most of their time at GALMUN, whether during debates or outside the committee room. We urge you to embrace the challenge of being a delegate on this Committee and use this opportunity to grow and learn. As your chairpersons and passionate debaters, we will guide you every step of the way, so please do not hesitate to reach out

anytime you need help. We encourage you to stay engaged, voice your opinions, and seize the moment!

See you soon!

With love,

The Chairpersons of the LEGAL Committee, Doros Ruxandra & Pavel Daria Gabriela

Introduction to the Committee

The UN General Assembly's Sixth Committee, also known as the Legal Committee, is responsible for discussing aspects of international law and legal issues that may arise within the UN that could influence global governance and cooperation. In essence, the Sixth Committee serves as a means for member states to discuss, engage in negotiations, and make choices concerning interpreting, developing, and applying international law. One of its key functions is to provide legal expertise and analysis on issues discussed in the General Assembly, including clarifying treaties and outlining legal frameworks.

The Legal Committee is a main UN committee, therefore all 193 member-states have the right to attend its sessions alongside additional observers that may be permitted at the discretion of the committee. The Committee gathers during the annual session of the General Assembly, but special meetings can be called if the Assembly requests clarification or has inquiries.

Overview of the topic

United Nations (UN) peacekeeping operations are commonly viewed as crucial instruments in guaranteeing peace, stability, and security in regions impacted by disputes across the globe. These missions, authorized by the UN Security Council, deploy military forces and civilian personnel to assist delicate peace processes, protect populations, and motivate post-conflict rebuilding and progress. However, despite their laudable goals and occasionally successful outcomes, UN peacekeeping operations are not invulnerable to legal issues and difficulties.

1. Balancing Consent and Civilian Protection

One of the significant legal difficulties faced by UN peacekeeping missions revolves around balancing the principle of consent and the duty to safeguard civilians. Commonly, the approval of the host nation is generally sought before deploying peacekeeping forces. However, scenarios may arise where consent is either refused or revoked due to political, strategic, or humanitarian reasons. In such situations, the legality and legitimacy of the intervention become issues, sparking debates over interpreting international law and the extent of the UN's authority to act without consent.

2. Immunity and Accountability

Furthermore, accountability of peacekeepers for misconduct and human rights violations creates legal problems that exceed the jurisdictional issues. Allegations of misconduct, including sexual exploitation and abuse, have plagued UN peacekeeping missions in recent years, posing not only serious legal and ethical problems but also leading to the undermining of UN efforts to sustain peace and security. Accountability for peacekeepers in such cases represents a complex legal issue and the immunity that UN personnel enjoy under the Convention on the Privileges and Immunities of the United Nations does as well, as legal framework on accountability of peacekeepers is a complex structure that usually consists of more than one level of instruments of law, such as international human rights law, international humanitarian law and the domestic law of the troops-contributing countries.

3. Use of Force and Self-Defense

The application of force by peacekeepers poses a nuanced legal challenge that necessitates careful consideration of international legal norms and principles. While peacekeepers have the authority to employ force in circumstances like self defense and safeguarding civilians, putting these principles into practice is intricate, force should be a resort for peacekeepers employed when facing immediate threats to themselves or others. However it is crucial that the use of force is proportional to the threat and distinguishes between combatants and non combatants. Not keeping to this principle can result in scenarios where peacekeepers resort to using force in ways that may not perfectly align with the principles of necessity, proportionality and distinction as outlined by law.

4. Legal Status of Peacekeeping Forces

Peacekeeping troops typically consist of soldiers and staff provided by nations each operating under its legal structure and rules of engagement. Ensuring alignment among the systems that govern the diverse groups united under the UNs flag can be challenging and if not executed carefully this task may result in inconsistencies or gaps in accountability and oversight over the forces.

5. Civilian Protection in Conflict Areas

Moreover, UN peacekeeping operations must adhere to international human rights law, which specifies the rights and obligations of states and individuals. Peacekeepers are required to honor and safeguard rights, in the regions they operate in including the rights to life, freedom and personal security. Yet upholding rights in areas affected by conflict poses difficulties especially in settings marked by rampant human rights violations and ineffective legal systems.

6. Inclusion of private military companies

Incorporating private military companies (PMCs) into UN peacekeeping missions introduces a range of legal challenges. PMCs are governed by legal standards distinct from those of national armed forces, potentially complicating issues of accountability and compliance with international humanitarian law. Their involvement may blur the line between command and

accountability within missions, raising potential jurisdictional issues and concerns regarding the enforcement of the Status of Forces Agreement (SOFA). Moreover, the activities of PMCs may not always align with the UN's peacekeeping principles, which stress impartiality and the limited use of force in self-defense scenarios.

Key Terms

UN peacekeepers: A UN peacekeeper is a member of a multinational force that the UN sends out into conflict-affected areas of the world to assist in preserving or reestablishing peace and security. Monitoring ceasefires, promoting communication between parties involved in war, safeguarding civilians, and assisting in the execution of peace agreements are among their main responsibilities.

Mandates: The United Nations Security Council issues *mandates* that govern the deployment of UN peace operations. These directives specify duties and obligations for peacekeepers in various combat scenarios. *Mandates* can change based on the type of conflict, the particular difficulties encountered, and the intended results.

UN Charter: *The United Nations Charter* functions as the cornerstone of all UN activities. It lays out the goals of the organization, which include upholding global security and peace. Despite not being specifically mentioned in the *UN Charter*, peacekeeping has developed into a key instrument for the organization to accomplish its peace-related objectives.

Chapter VI and Chapter VII: *Chapter VI* deals with the “Pacific Settlement of Disputes.” This chapter has historically been linked to peacekeeping. It is not necessary for the Security Council to specifically cite a particular chapter in order to approve a peacekeeping mission. *Chapter VII* contains provisions related to “Action with Respect to the Peace, Breaches of the Peace, and Acts of Aggression.” When approving peace operations in unstable post-conflict environments where the host state is unable to uphold security and public order, the Council invoked *Chapter VII*.

Consent of the Parties: An interstate peacekeeping force needs the approval of both participating states in order to operate across borders. The force needs to be removed, relocated, or remanded in the event that the host state withdraws its consent.

Impartiality: Impartiality is the fundamental principle that prohibits the UN to favor one party or another in a conflict. It is expected of UN peacekeepers to behave *impartially*, showing no preference for any side in the fight. In their activities, this concept guarantees justice and legitimacy.

Non-Use of Force (Except in Self-Defense): *Force* can only be used by peacekeepers in *self-defense* or to uphold their mandate. Without using *force*, their key responsibilities are to avert violence, safeguard civilians, and uphold stability.

Rules of Engagement (ROE): These are written orders that define when and how troops can use force.

Traditionally, the use of force in UN peacekeeping was limited to self-defense. However, the UN Security Council now regularly deploys peacekeeping missions with robust mandates to protect civilians, including using force². This shift from defensive to proactive peacekeeping has led to changes in the ROE².

For example, the UN's 2015 Protection of Civilians (PoC) Policy defined hostile intent as "the threat of an impending use of force, which is demonstrated through an action or behavior which appears to be preparatory to a hostile act", where "only a reasonable belief in the hostile intent is required before the use of force is authorized. This policy seems to have broadened the circumstances under which peacekeepers can use force

Status of Forces Agreement (SOFA): A formal agreement between the host nation and the UN that specifies the rights and obligations of UN peacekeeping personnel stationed there, including matters of jurisdiction, immunity, and tax.

Past Actions

The foundations of UN peacekeeping operations go back to the aftermath of World War II, a period of immense devastation, severe political tensions and absolute necessity of international cooperation so as to prevent further conflicts. Created in 1945 on the ruins of the war, the United Nations became a beacon of hope and prosperity, which was created according to the principles of diplomacy, security and peaceful settlement of disputes to prevent large-scale conflicts in the future.

However, with the outbreak of the Cold War, the complexity of international relations intensified and the traditional methods of conflict resolution were proved to be inadequate to address the new political scene. As a reaction, the idea of UN peacekeeping operations as practices to avert hostilities, control conflicts and guarantee lasting peace and stability was born.

The first UN peacekeeping operations began 1948 with the United Nations Truce Supervision Organization (UNTSO) in the Middle East after the tensions and conflicts in the region caused by the Arab-Israeli War. UNTSO's primary task was to supervise the implementation of the armistice agreements between Israel and its Arab neighbors thus serving as a model for peace and stability in a region with a rich history of conflicts and territorial disputes.

In the beginning of UN peacekeeping missions, the emphasis was not on the use of force to impose peace, but rather mediation and communication as the predominant methods for the resolution of conflicts due to the United Nations' commitment to the principles of sovereignty, consent, and impartiality. In 1956, the Suez Crisis became the milestone of a new era; The United Nations Emergency Force (UNEF) was deployed, showing that multilateral intervention could effectively prevent conflicts from escalating and becoming major power confrontations.

During the 1960s and 1970s, as the Cold War's influence on global affairs grew more complex, UN peacekeeping operations expanded to address a larger number of conflicts worldwide. The Congo Crisis in 1960 showed how difficult the peacekeeping tasks could be,

as the United Nations operation in the Congo (ONUC) came to know in its attempt to regain stability and peace in a country facing decolonization and rebellions.

In the 1980s, peacekeeping operations were no longer limited to military operations only and started to include humanitarian aid and post-conflict reconstruction that aimed to address the main roots of conflict, thus encouraging long term development. The case of the United Nations Interim Force in Lebanon (UNIFIL) founded in 1978 after the Israeli invasion of Lebanon exemplifies this shift of mind as military and civilian efforts were combined to reconcile the communities that were affected by the war.

Past UN Peacekeeping missions:

The United Nations Truce Supervision Organization:

The United Nations Truce Supervision Organization (UNTSO) is one of the oldest and longest-standing peacekeeping missions to be established by the United Nations. Its opening was due to the Arab-Israeli War of 1948-1949, which occurred soon after the ratification of UN General Assembly Resolution 181, also referred to as the partition plan of Palestine. This resolution suggested the division of Palestine into two states – a Jewish and an Arab one, which formed the basis of the Israeli state. Nonetheless, the confrontation between the opposing Arab and Jewish armies resulted in heated fights and extensive uprooting.

As a reaction to the intensifying conflict, the UN Security Council passed Resolution 42 on November 5 1948 which called for an immediate ceasefire and set up UNTSO to supervise the truce. UNTSO's mandate consisted in observing and reporting the implementation of the ceasefire between the newly established State of Israel and its neighboring Arab countries, which were Egypt, Jordan, Lebanon, and Syria. In the beginning, the mission was limited to military observers from various UN member states whose responsibility was to monitor the ceasefire lines and to ensure that both sides respected the agreed-upon truce.

Through its history UNTSO has been able to adjust to new variables in the Middle East by changing its role from only observing ceasefire to supporting other peacekeeping operations

in the region. Specifically, UNTSO staff have contributed to logistical and operational support to other missions, such as the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights, and the United Nations Interim Force in Lebanon (UNIFIL) after the Lebanese Civil War.

The United Nations Emergency Force:

The United Nations Emergency Force (UNEF) is a major event in the history of international peacekeeping, having been established to tackle the Suez Crisis of 1956. The Suez crisis was a huge geopolitical milestone that resulted in Egypt's nationalization of the Suez Canal, which had been controlled by the UK and French companies till then. The nationalization of the Suez Canal by Gamal Abdel Nasser led the Israelis to react militarily. This was followed by the actions of the British and the French to recover the canal and to remove Nasser from power.

The situation quickly deteriorated, building up international concern which led to the UN's participation. The establishment of UNEF was the first case when the peacekeeping force was created by the UN General Assembly instead of the Security Council, thus creating a precedent. The idea was proposed by the then Canadian Minister of External Affairs, Lester B. Pearson, who later received the Nobel Peace Prize for initiating this process. The main task of UNEF was to provide for the withdrawal of the invading forces and make sure the ceasefire was observed both during and after the withdrawal.

UNEF was sent to the Sinai Peninsula, consisting of troops from various countries excluding the permanent members of the Security Council to ensure neutrality. The peacekeeping mission had a vital role in stabilizing the region and providing the much-needed buffer zone to prevent further conflicts. It ran on the principles of party consent, impartiality, and defense of the parties without use of force except for self-defense. The existence of UNEF in the area was conditional on the consent of the host country, Egypt, and it was confirmed through the Good Faith Aide-Memoire.

However, the establishment of UNEF did not come without problems. Its deployment was a tricky business because it required Egypt and Israel to allow the troops to be based on their territory. Israel was particularly concerned about the UN member state's troops being stationed on its territory and in other areas that it occupied. Nevertheless, UNEF was able to achieve the full realization of this mission and ensure the withdrawal of foreign troops and the restoration of the peace in the post-war period.

However, the peace did not last long. In May of 1967, amidst tensions between Israel and its Arab neighbors, Egypt requested UNEF to be pulled out. The UN did comply with the ruling and the withdrawal of the peacekeeping force has been known to contribute to the outbreak of the Six-Day War a short while later. The war brought great territorial and demographic changes that once again questioned the effectiveness and the limitations of peacekeeping operations.

The United Nations Operation in the Congo:

The United Nations Operation in the Congo (ONUC) was a turning point in the history of peacekeeping as it was one of the first times when the UN intervened in a conflict within a sovereign nation, not between two states. The conflict in Congo started just a few months after the country gained independence from Belgium in June 1960. The sudden abandoning of Belgian colonial officials collapsed the authority structure, thus throwing the recently independent country into chaos and instability.

The problem was aggravated even more as Belgian troops returned to Congo under the excuse of protecting Belgian nationals and national interests. This event was seen as a breach of Congolese sovereignty and resulted in general resentment and hostility among the population. Amidst increasing hostility and political chaos, the Congolese authority moved into a state of urgency where it had to seek help from the United Nations in order to re-establish order and stability.

As a response to the Congolese government's request for help, the UN Security Council promptly passed resolutions that condemned the presence of Belgian troops and authorized

the deployment of ONUC. The main objective was to help the Congolese government to restore order, peace and the territories' integrity. Nevertheless, the UN's mandate expanded quickly as the conflict in Congo escalated, especially with the secession of the province of Katanga.

ONUC stands out not only for its size, which should be no less than 20,000 military personnel from various UN member nations, but also for its significant mandate. Unlike the previous peacekeeping missions, ONUC was given the responsibility to do whatever it takes to prevent the outbreak of civil war in the Congo, and to use force if it was considered vital to the protection of civilians and to the maintenance of stability. This thus represented a fundamental shift from conventional peacekeeping practices and proved the changing nature of UN peacekeeping missions.

The mission led to the exit of foreign mercenaries and, as a result, the authority of the Congolese government was restored over the entire territory by means of diplomacy, disarming and demobilization, as well as humanitarian assistance.

The United Nations Interim Force in Lebanon:

The creation of the United Nations Interim Force in Lebanon (UNIFIL) in 1978 was a turning point for the peacekeeping operations worldwide, especially in the volatile part of the Middle East. The implementation of the resolutions of the United Nations Security Council number 425 and 426 granted UNIFIL with the responsibility of maintaining the order in the region after the Israelis invasion of Lebanon.

With the deployment of UNIFIL, the UN dealt with the complexities of the Lebanese Civil War such as the armed factions present. To carry out its mission, UNIFIL used a multi-dimensional strategy, deploying diplomatic, military, and humanitarian means to create peaceful and stable conditions in southern Lebanon.

Diplomatically, UNIFIL participated in the negotiations with Lebanese authorities, armed groups, and the international community to increase cooperation and stop the escalation of

tensions. Through the mediation attempts and negotiations, UNIFIL aimed at fostering trust among conflicting parties and finding peaceful solutions to the disputes.

Militarily, UNIFIL conducted patrols, checkpoints, and imposed the ceasefire along the Blue Line, a UN-drafted demarcation line between Lebanon and Israel. Peacekeepers were fully occupied in trying to prevent hostilities between the opposing forces, disarm armed groups and fulfill their responsibilities that were related to maintaining peace and order in the region. Furthermore, UNIFIL furnished the Lebanese Armed Forces (LAF) with logistic and technical support, and they were trained to be able to exercise more authority and control over southern Lebanon.

In addition to peacekeeping, the United Nations Interim Force in Lebanon made a significant contribution in the delivery of humanitarian aid, providing medical assistance, and facilitating the return of the displaced persons. The peacekeepers worked closely with the citizens so as to meet their needs and to promote reconciliation among all parties and this in turn caused trust and cooperation between UNIFIL and the civilians.

After the 2006 Israel-Hezbollah conflict, UNIFIL's mandate has been amended by the United Nations Security Council Resolution 1701 to include measures that are aimed at consolidating the cessation of hostilities and supporting the deployment of the Lebanese Army in southern Lebanon. UNIFIL intensified its monitoring of compliance with the resolution, disarming of armed groups and facilitating the restoration of Lebanese government authority in the region.

The United Nations Protection Force:

The United Nations Protection Force (UNPROFOR) was launched in 1992 as a response to Yugoslav Wars, in order to create conditions for peace talks and provide security of the United Nations Protected Areas (UNPAs) marked out. The mission of UNPROFOR in Bosnia and Herzegovina, including in Srebrenica was one of the most difficult and controversial operations of UN peacekeeping history.

Srebrenica, a small town in the eastern province of Bosnia and Herzegovina, was established as a UN “safe zone” in 1993 to prevent armed attacks and other hostile acts involving the city. UNPROFOR had the responsibility of making the enclave a demilitarized area and protecting the civilian population. Nevertheless, the force was poorly equipped and had limited mandate, which rendered it ineffective in preventing the Bosnian Serb Army (VRS), led by General Ratko Mladić, from carrying out its aggression.

In July 1995, the VRS made an attack on Srebrenica, which was so powerful that the UNPROFOR’s Dutch battalion (Dutchbat) could not resist it. The peacekeepers were not able to stop the Bosnian Serb units from invading the town, and they were forced to evacuate, leaving its inhabitants at the mercy of the armed men, who in the end massacred 8,000 Bosnian Muslim men and boys. The events in Srebrenica have shown that the UNPROFOR mandate and rules of engagement had limitations because they did not allow the use of force except in self-defense, and they did not enable the peacekeepers to protect civilians.

Srebrenica's tragedy has raised significant questions about the UN's ability to protect civilians and the effectiveness of its peacekeeping operations. It brought into focus the need for a concrete mandate and a well-defined set of rules of engagement, as well as resource sufficiency and support from the international community.

The United Nations Assistance Mission for Rwanda:

The United Nations Assistance Mission for Rwanda (UNAMIR) was launched in October 1993 after the signing of the Arusha Accords that tried to stop the ethnic fighting between the Hutu government and the Rwandan Patriotic Front (RPF) that was dominated by Tutsi. UNAMIR’s mandate was to supervise the implementation of the peace deal, monitor the ceasefire, and to facilitate the process of transition into a more democratic and inclusive government.

Nonetheless, UNAMIR's capacity to carry out its obligations was seriously hindered by a

plethora of factors, including lack of adequate resources, a too restrictive mandate , and the absence of political will among UN member states to intervene decisively in the conflict. Even in the face of the obvious ethnic tensions which were likely to lead to violence, UNAMIR's mandate was not changed to allow for a greater peacekeeping force in Rwanda.

The eruption of the Rwandan genocide in April 1994 took the UNAMIR and the international community by surprise, resulting in unimaginable tragedy and a disastrous failure to stop or even effectively respond to the mass atrocities that followed. The genocide, executed by the political regime and extremist Hutus in the military and government, singled out and targeted the Tutsi minority community and other Hutus who stood up to the injustice. In the course of about 100 days, the estimated number of 800,000 mostly Tutsis were ruthlessly killed as part of a systematic campaign of violence, rape and ethnic cleansing.

During the course of the genocide, UNAMIR was caught unprepared and found itself inadequate to deal with the magnitude and intensity of the violence. UNAMIR's commander, Canadian General Roméo Dallaire, made desperate requests for reinforcements and support, but despite this, the international community did not respond with the much-needed political backing or suitable resources that were required if UNAMIR was to effectively intervene. UNAMIR's mandate, which also did not include the option of fighting to protect civilians, made it even harder for the peacekeepers to intervene during that moment of crisis.

In the absence of effective international intervention, UNAMIR concentrated on giving humanitarian aid to the victims of genocide, the establishment of safe zones for civilians and the facilitation of the evacuation of foreigners. Unfortunately, these measures were ineffective to stop the flow of violence or the massive loss of lives.

Legal Framework

The legal foundation for UN peacekeeping missions is primarily based on the UN Charter mandates from the Security Council, agreements with troop contributing countries such as Participation Agreements, and agreements with host countries like Status of Forces Agreements (SOFAs) or Status of Missions Agreements (SOMAs). It also includes adherence to human rights law, international humanitarian law and key conventions such as the Convention on the Privileges and Immunities of the United Nations. Additionally regulations outlined in the Convention on the Safety of the United Nations and Associated Personnel along with its Optional Protocol play a role in shaping the framework for these operations, together with the Capstone Doctrine which sets out the guiding principles and core objectives of UN Peacekeeping operations.

1. UN Charter mandates

The UN Charter, the founding document of the United Nations, provides the legal foundation for peacekeeping missions, granting the Security Council the power to send troops to critical parts of the world. Article 1 of the Charter indicates the purposes and fundamental principles of the UN, where peace and security of the world are considered to be of primary importance. Chapter VI of the Charter calls for peaceful dispute resolution, while Chapter VII is about the actions of the Security Council concerning the threats to peace and security, such as authorizing peacekeeping operations. Chapter VIII notes that besides uniting nations to maintain peace and security through the means specified in Chapter I of the Charter, regional organizations and agencies can also contribute to this cause, provided that they adhere to the goals and principles of the Charter. United Nations peacekeeping missions have typically been linked to Chapter VI of the Charter. However, the Security Council doesn't always mention a chapter when approving a resolution to send UN peacekeepers and has never referred to Chapter VI. In recent years, the Security Council has frequently made use of Chapter VII of the Charter in authorizing UN peacekeeping missions in conflict areas where the government cannot enforce security and public order.

2. Participation Agreements

Participation Agreements play a pivotal role in the framework of UN peacekeeping missions by establishing the legal basis for the involvement of troop-contributing countries (TCCs). These contracts are forged through negotiations between the United Nations and the member states willing to dispatch military, police, or civilian forces to aid UN peacekeeping initiatives. They set forth the stipulations of a nation's involvement, covering the nature of the contribution, the duties of the TCC, the legal status and protection of personnel, logistical backing, and financial arrangements. A principal feature of these agreements is detailing the type and size of the force the TCC will deploy. This encompasses the quantity and mix of soldiers and civilian personnel, along with their designated functions and duties within the mission.

3. Status of Forces Agreements

Status of Forces Agreements (SOFAs) serve as negotiated legal documents between the United Nations and a host nation, setting the legal parameters for the operation and presence of UN forces. This includes military, police, and civilian staff within the host nation's borders. SOFAs are vital for defining the legal rights, privileges, and immunities of UN members, and they cover the logistical and administrative details that facilitate the effective functioning of the peacekeeping mission. Additionally, SOFAs assign duties to the host nation, mandating it to safeguard the security and well-being of UN staff stationed within its borders. This includes implementing suitable security protocols and guaranteeing unhindered movement and accessibility for the personnel to execute their official duties. The host nation might also need to provide aid and support during emergencies or unexpected events that impact the mission's functionality.

4. Status of Mission Agreements

Status of Mission Agreements (SOMAs) are in-depth contracts that cover more than just the rights and duties of UN staff, as seen in SOFAs. They deal with how a peacekeeping mission works in the host country, including rules about staff travel, weapons, taxes, settling disputes, and legal authority over mission members. These contracts are important because they make

sure the mission follows a strong set of legal rules that respect the host country's rules and international law. These agreements are negotiated in the context of each specific mission and reflect the unique circumstances of the host country and the objectives of the mission.

5. International Humanitarian Law

In UN peacekeeping operations, the commitment to International Humanitarian Law (IHL) is crucial for fostering humanity, reducing suffering, and maintaining legal order in areas of conflict. IHL principles bind peacekeepers, directing their conduct in warfare to ensure civilian protection, differentiate between fighters and non-fighters, and treat all affected individuals humanely. A primary focus of IHL adherence is civilian safety. Peacekeepers work to secure a safe environment for those impacted by conflict, which includes setting up protected zones, delivering aid, and addressing violence against civilians. They must also use force judiciously, act proportionately, and respect individual rights and dignity. Furthermore, peacekeepers must consistently monitor and report any IHL breaches. Human rights teams within peacekeeping missions document and probe human rights violations and IHL breaches, vital for accountability, justice, and preventing future transgressions.

6. Human Rights Law

UN peacekeeping missions prioritize Human Rights Law (HRL) to protect rights and promote sustainable peace. This commitment to HRL mandates peacekeepers to respect and protect the fundamental rights and freedoms of all individuals, transcending nationality, ethnicity or religion. Peacekeepers are tasked with establishing a secure environment for civilians caught in conflict, which involves setting up safe zones, providing humanitarian assistance, and actively preventing and responding to violence against civilians. Moreover, peacekeepers are expected to refrain from any actions that could violate human rights, such as arbitrary detention, torture, or extrajudicial killings.

7. The Convention on the Privileges and Immunities of the United Nations

The Convention on the Privileges and Immunities of the United Nations (CPIUN) provides a framework of legal protections and immunities for UN peacekeepers, such as immunity from legal process, arrest, taxation, and customs duties. Additionally, the CPIUN ensures that

peacekeepers have the necessary legal safeguards to perform their roles safely and securely, ensuring protection against harassment, external interference and financial burdens.

8. The Convention on the Safety of the United Nations and Associated Personnel

The Convention on Safety extends legal protection to all UN personnel, including those in military, police, and civilian roles, as well as humanitarian workers, mission specialists, and associated staff such as contractors and service providers. It prescribes specific measures for states to ensure the safety and security of these individuals while they fulfill their duties. One of the key stipulations of the Convention is the commitment of states to take all necessary precautions to safeguard UN and associated personnel within their borders. This includes deterring and countering any attacks, threats, or harassment against them, prosecuting offenders, and providing necessary assistance and support to victims. Additionally, the Convention creates a structure for collaboration and support between states and the United Nations when incidents impact the safety and security of UN personnel. This involves ensuring the smooth transit and evacuation of personnel during emergencies and offering medical and other essential support.

9. The Capstone Doctrine

The Capstone Doctrine highlights the importance of the UN Charter and core principles, like sovereignty, impartiality and refraining from using force except for self defense or defending a mandate. It stresses the need for consent from all parties involved and clear attainable mandates set by the UN Security Council. This doctrine sets forth principles that steer UN peacekeeping operations. These encompass consent, impartiality and utilizing force in cases of self defense or to defend a mandate. It also underscores the safeguarding of civilians upholding rights and advancing gender equality and women's empowerment in peacekeeping endeavors. Moreover the Capstone Doctrine lays out objectives for UN peacekeeping missions. These goals include establishing and upholding an environment fostering political processes protecting civilians aiding in disarmament and reintegrating former combatants as well as providing humanitarian aid and backing for post conflict recovery and growth.

Current Situation

The current situation regarding peacekeeping is fraught with challenges. From the shifting nature of conflicts involving non-state actors to the political intricacies of host nation consent, peacekeeping operations are navigating uncharted waters. The robustness of peacekeeping mandates, the safety and security of peacekeepers, and the effectiveness of peacekeeping in the face of escalating violence are all under scrutiny. According to Article 1 of the UN Charter, the UN is responsible for maintaining world peace and security. To achieve this, the right to carry out global peacekeeping missions was given to the United Nations Security Council in 1956. Such operations come under either Chapter VI or Chapter VII of the UN Charter. Chapter VII gives the Security Council the authority to respond to aggression, threats to peace, or breaches of peace both by military operations or other means: “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken [...] to maintain or restore international peace and security”. Chapter VI relates to the “Pacific Settlement of Disputes” and specifies that certain mechanisms must be developed to defend collective security:

Article 33

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.”

Article 34

The Security Council may investigate any dispute or any situation which might lead to international friction or give rise to a dispute, to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the dispute, the obligations of Pacific settlement provided in the present Charter.

The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice by the provisions of the Statute of the Court.”

These Chapters of the UN Charter will be the foundation in your understanding of the UN peacekeeping operations.

Upholding the rule of law, establishing security institutions, advancing human rights, empowering women and other marginalized groups, safeguarding civilians, averting wars, and offering operational support to nations affected by conflict are all goals of peacekeeping missions. These operations follow three main principles:

1. **consent of the belligerent parties in a written agreement:** UN peacekeeping operations are deployed with the consent of the main parties to the conflict. This requires a commitment by the parties to a political process. Their acceptance of a peacekeeping operation provides the UN with the necessary freedom of action, both

political and physical, to carry out its mandated tasks. In the absence of such consent, a peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its fundamental role of keeping the peace.

2. **impartiality:** Impartiality is crucial to maintaining the consent and cooperation of the main parties, but should not be confused with neutrality or inactivity. United Nations peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate.

3. **force to be used only in self-defense or for defending the mandate authorized by the United Nations Security Council:** UN peacekeeping operations are not an enforcement tool. However, they may use force at the tactical level, with the authorization of the Security Council, if acting in self-defense and defense of the mandate. In certain volatile situations, the Security Council has given UN peacekeeping operations “robust” mandates authorizing them to “use all necessary means” to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order. Although on the ground they may sometimes appear similar, robust peacekeeping should not be confused with peace enforcement, as envisaged under Chapter VII of the United Nations Charter.
 - Robust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict.
 - By contrast, peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council.

Robust Peacekeeping Operations and Peace Enforcement Operations are two distinct types of interventions used by the United Nations and other international bodies to maintain or restore peace.

The key difference between the two is that Robust Peacekeeping Operations involve the use of military force on the tactical level with the consent of the host country and/or major parties, while Peace Enforcement Operations do not require such consent. It is important to note that both interventions fall under the rubric of peacekeeping. Peace enforcement operations are typically characterized by mandates that enable the use of military force not only in self-defense but also to protect civilians, ensure humanitarian access, and/or support state authority. However, they are guided by the principle of impartiality and require the consent of the main parties involved.

On the other hand, Peace Enforcement Operations involve the use of military force on the strategic or operational levels without the consent of the host country and/or main parties. They are generally used to enforce peace against the will of the parties to a conflict when, for instance, a ceasefire has failed. Compared to peacekeeping, peace enforcement requires more military force and is best done by heavily armed forces.

In practice, the distinction between these two types of operations can sometimes blur, especially in situations where peacekeepers are deployed in areas of ongoing conflict. However, the key difference lies in the level of force used and the consent of the parties involved.

The UN has the authority to revoke peacekeeping personnel's immunity and send them to Member States for criminal prosecution when they commit crimes or unlawful activities. Though this makes sense in theory, there haven't yet been any documented instances when the UN has genuinely lifted its employees' immunity. This is due to the scarcity of evidence against peacekeeping personnel and the difficulty in reaching victims. State-to-state variations in the criminal codes and their legal interpretations for different crimes are yet another factor. Since the law's requirements regarding peacekeeping forces' obligations to protect civilians are not clearly defined, it is challenging to hold them legally responsible if they fail to do so. For instance, The Mothers of Srebrenica, an association representing the relatives of the victims of the Srebrenica massacre, initiated legal proceedings against both the Netherlands

and the United Nations. They claimed that these entities had failed to prevent the genocide in Srebrenica, a town in Bosnia and Herzegovina. In July 1995, Bosnian Serb forces seized Srebrenica, which had been declared a 'safe area' by the UN and placed under United Nations protection. The UN peacekeeping officials did not respond to requests for support from their forces stationed within the enclave. This allowed Bosnian Serb forces to easily overrun it, resulting in the systematic, mass executions of hundreds, possibly thousands, of civilian men and boys, as well as the abuse of civilians being deported from the area. The UN claimed immunity when the Mothers of Srebrenica brought their case to the Dutch courts. The Dutch Supreme Court has upheld the Hague Court of Appeal's ruling that it lacks jurisdiction to hear the case against the United Nations. The plaintiff argued that UN immunity should be waived to guarantee the right to a fair trial under Article 6 of the European Convention on Human Rights, but this was dismissed. According to Article 103 of the UN Charter, the Supreme Court held that the immunity of the United Nations is absolute and that obligations under the UN Charter should take precedence over obligations arising from other international agreements.

Currently, there are 11 UN peacekeeping operations led by the Department of Peace Operations:

1. **MINURSO (Western Sahara):** A mission monitoring the ceasefire between Morocco and the Polisario Front in Western Sahara.
2. **MINUSCA (Central African Republic):** A mission supporting peace and stability in the Central African Republic.
3. **MINUSMA (Mali):** A mission addressing security challenges and promoting peace in Mali.
4. **MONUSCO (Democratic Republic of the Congo):** A mission working to stabilize the DRC and protect civilians.
5. **UNDOF (Golan Heights):** A mission observing the ceasefire between Israel and Syria in the Golan Heights.
6. **UNFICYP (Cyprus):** A mission maintaining peace and stability on the divided island of Cyprus.

7. **UNIFIL (Lebanon)**: A mission monitoring the cessation of hostilities between Israel and Lebanon.
8. **UNISFA (Abyei)**: A mission overseeing security and stability in the disputed Abyei region.
9. **UNMIK (Kosovo)**: A mission assisting in the administration of Kosovo.
10. **UNMISS (South Sudan)**: A mission supporting peace and stability in South Sudan.
11. **UNMOGIP (India and Pakistan)**: A mission observing the Line of Control in Kashmir, between India and Pakistan.

Legal problems that make it difficult to act and/or hold insufficient peacekeeping missions responsible include:

MINUSMA (United Nations Multidimensional Integrated Stabilization Mission in Mali): Mali has long-standing structural problems with inadequate governance, unstable social cohesiveness, and weak governmental institutions. Mali has experienced several instances of poor governance. For example, in 2021, Colonel Assimi Goïta seized power in Mali for the second time in nine months, arresting transitional President Bah Ndaw and Prime Minister Moctar Ouane. This coup was a clear demonstration of the instability and inadequacy of governance.

The human rights situation in Mali deteriorated in 2020, with continued abuses by armed Islamist groups, ethnic militias and government security forces. A political crisis led to the overthrow of the government in a military coup in August.

Attacks by armed Islamist groups on civilians, soldiers and international forces have continued in northern Mali, intensified in the center and spread to the south. Ethnic self-defense groups formed to protect villages from attacks killed hundreds of people, causing widespread displacement and starvation.

Peacekeeping operations face difficulties because of these circumstances. The violence, terrorism, and attacks on peacekeepers in Mali have made the situation increasingly hazardous even with MINUSMA present. Effective safeguarding for citizens proved

challenging for the operation. Abuses by armed Islamist groups, ethnic militias, and government security forces have spiked, leading to a deterioration of human rights in Mali. These groups have carried out violent attacks on civilians, further complicating the task of safeguarding citizens. For instance, a terrorist attack against a United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) camp in Aguelhok, northern Kidal, injured 26 peacekeepers from Chad and killed four others. This incident underscores the significant security challenges that operations face in safeguarding citizens. Political tensions on the diplomatic front have strained ties between Mali and its allies, particularly France. As a former colonial power, France has a long history of involvement in Mali. The French military has been actively involved in counter-terrorism operations in Mali through Operation Barkhane. However, relations between the two countries have deteriorated since the Malian military took power in 2020. The situation worsened when the Malian government expelled the French ambassador in early 2022. Despite the presence of UN peacekeepers and French troops, the number of terrorist attacks in Mali has steadily increased, as has the number of Malians joining insurgent groups. Over 300 UN peacekeepers have been killed in the last decade, making it the deadliest peacekeeping mission in the world. These factors led to accusations that MINUSMA had failed to fulfill its mandate.

MINUSCA (United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic): The Central African Republic (CAR) has experienced politico-military crises that have weakened state institutions, undermined basic social and economic structures, and created tensions between the country's social and religious communities. In December 2012, the latest crisis erupted in the northeastern region of the country, leading to the overthrow of long-standing President François Bozizé in March 2013. This event triggered an unprecedented spiral of violence. Clashes between different armed groups triggered a complex set of conflict dynamics, which were characterized by large-scale killings, widespread intercommunal violence, destruction of private and public property, and displacement of roughly a quarter of the country's 4.5 million citizens. On February 6, 2019, the Political Agreement for Peace and Reconciliation in the Central African Republic was signed between the government and 14 recognized armed groups under the African Union (AU) Initiative for Peace and Reconciliation in the CAR²¹. The peace agreement was reached after extensive preparations and with greater international support than in the past. This may

improve conditions for a sustainable halt to the violence that has displaced over 1.2 million people. However, implementing the agreement has been challenging. Despite forming a government that includes 13 ministerial-level posts for armed-group leaders, there have been regular violations of the peace agreement and serious incidents of violence and human rights violations. The 2020 presidential elections had the potential to disrupt the implementation of the 2019 Political Agreement for Peace and Reconciliation in CAR and negatively impact the safety and security of citizens. In this difficult environment, MINUSCA works to stabilize the nation

UNMISS (United Nations Mission in South Sudan): In July 2016, the United Nations Mission in South Sudan (UNMISS) faced a significant crisis. During a period of intense fighting between government forces and former rebels in the capital city of Juba, UNMISS soldiers were unable to protect civilians, leading to widespread criticism and humiliation. The fighting, which lasted from July 8 to 11, resulted in the deaths of dozens of people. Despite the presence of approximately 12,000 UNMISS peacekeepers in the country at the time, the mission was accused of having a chaotic and ineffective response to the violence. This was due to a lack of leadership, inadequate command and control arrangements, and a risk-averse culture among the peacekeepers. One of the most damning incidents occurred when government troops attacked the Terrain camp, a refugee camp located just one kilometer from the UNMISS headquarters in Juba. Despite multiple requests for a quick reaction force to respond to the attack, each UN mission contingent declined the request, stating that their troops were fully committed. Consequently, civilians at the camp were subjected to gross human rights violations, including murder, intimidation, sexual violence, and acts amounting to torture, perpetrated by armed government soldiers.

In addition, UN peacekeepers deserted their positions and did not respond to requests for assistance from aid workers who were under attack at the Terrain Hotel, located less than a mile from a UN compound. This failure to safeguard civilians and aid workers resulted in extensive criticism and demands for accountability.

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mile from a UN compound. This failure to safeguard civilians and aid workers resulted in extensive criticism and demands for accountability.

Following these events, the UN Secretary-General, Ban Ki-moon, dismissed the commander of the peacekeeping force in South Sudan. A UN-commissioned report found that the mission did not operate under a unified command, resulting in multiple and sometimes conflicting orders to the four troop contingents from China, Ethiopia, Nepal, and India. These events highlight the challenges faced by UNMISS in fulfilling its mandate to protect civilians in South Sudan. The mission's leadership and operational procedures underwent significant changes as a result.

Stances of the Main Actors

1. Bosnia and Herzegovina: Bosnia and Herzegovina (BiH) has a long history of participating in and serving as a host nation in peacekeeping missions. In the years following the Bosnian War in the 1990s, BiH served as the location of significant peacekeeping operations. The purpose of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) was to oversee a ceasefire and assist in peace talks. To carry out the military components of the Dayton Peace Agreement, the NATO-led Implementation Force (IFOR) was sent into action in December 1995. Since 2000, Bosnia and Herzegovina (BiH) has been actively sending its police officers and military personnel on peace missions across several nations, including Kongo, Iraq, Afghanistan, Mali, East Timor, Liberia, Sudan, South Sudan, Ethiopia, and Eritrea. Approximately 325 police officers and 145 military officials from Bosnia and Herzegovina have taken part in various UN missions. There were many difficulties and setbacks encountered by the peacekeeping efforts in Bosnia and Herzegovina (BiH). Bosnian Serb forces captured the town of Srebrenica in July 1995. UN peacekeeping officers failed to back their soldiers stationed inside the enclave even though it was designated a "safe area" under UN protection. This made it possible for Bosnian Serb forces to take control of it and execute civilian men and boys in a methodical, mass killing. In 1992, the UN acknowledged Bosnia and Herzegovina as an independent nation-state. However, the UN did not denounce Serbia and Croatia as wartime aggressors when Bosniaks were assaulted by proxies from both countries. As the Bosniak community was being shelled and raped, the UN failed to immediately deploy an Emergency Peacekeeping Force to halt the ongoing carnage. The UN found itself unable to secure a lasting ceasefire between the major warring parties. The UN's Bosnia peacekeeping force UNPROFOR/UNPF mishandled the crisis, from decisions of its field commanders before the fall of Srebrenica, to its apparent suppression and destruction of evidence of massive human rights abuses immediately after the fall of the "safe area". These failures highlight the complexities and challenges of peacekeeping operations. They underscore the importance of timely intervention, strong condemnation of aggressors, and the need for effective crisis management.

2. Rwanda: In 1993, the UN deployment to Rwanda appeared to be a simple peacekeeping operation. The Arusha Agreement, a 1993 peace agreement that put an end to the civil war

between Rwanda's Hutu government and the Tutsi liberation organization, the Rwandan Patriotic Front, called for the deployment of a lightly armed force of about 2,500 peacekeepers to assist in implementing the agreement. United Nations soldiers became witnesses of genocide rather than supervising attempts at national reconciliation.

Following the night of April 6, 1994, when a plane carrying Rwandan President Juvénal Habyarimana crashed, Hutu forces started to target Tutsis for extermination, disregarding the 1993 Arusha Accord. His passing left a power vacuum, which was filled by the Hutu political elite in Rwanda, who then began a meticulously planned genocidal campaign. The United Nations ordered its blue-helmeted forces to remove foreigners as the mass executions started, but they did not step in to stop the slaughter of the Tutsis. 800,000–1,000,000 non-extremist Hutu and Tutsi citizens were killed by their own neighbors. The operation was deemed "disgraceful" in a 1999 U.N. report evaluating the Rwanda deployment for abandoning Tutsi refugees in schools and other purported "safe zones" that they had established. The failures of the UN peacekeeping mission in Rwanda have led to significant changes in how international peacekeeping operations are conducted. Rwanda has learned from these failures and has committed to high-level collaboration at bilateral and multilateral levels to better protect civilians in conflict.

3. South Sudan : In an effort to promote security and stability in the area, the United Nations Mission in South Sudan, or UNMISS, has been actively involved in a number of initiatives. UNMISS has been fostering relationships and assisting South Sudanese people in fields including health, veterinary care, and engineering through a variety of civil-military initiatives. Food, water, and shelter have been distributed around the nation with the help of peacekeepers. Along with initiating HIV/AIDS capacity development and providing workshops and counseling to raise awareness, UNMISS has also arranged training sessions and consultations on gender-based and sexual violence. The peacekeeping efforts in South Sudan are hindered by various problems, even with the recent advancements. One of the main challenges has been noted as the flood of returnees from Sudan. Some areas, like Malakal, have seen an increase in violence. Establishing civic and political space is necessary before holding legitimate elections. Conflicts resulting from tensions between various ethnic groups present a serious obstacle to peacekeeping operations. Key elements of the peace deal have

not been implemented as planned. Nonetheless, there has been some movement with the Revitalized Peace Agreement in South Sudan; on November 29, all members of the government convened for the first high-level meeting since the agreement's signing in 2018. It was anticipated that in early 2023, "free, fair, and peaceful elections" would mark the conclusion of the transitional phase. In the future, the Ministry of Foreign Affairs and International Cooperation of South Sudan and the United Nations Mission in that country will collaborate on the UNMISS Peace Fellows Program. This ambitious endeavor seeks to inspire people, particularly the youth.

4. Central African Republic: The Central African Republic (CAR) has been a significant focus of United Nations peacekeeping efforts, particularly through the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). Established in 2014, MINUSCA's mandate includes the protection of civilians, support for the transition process, facilitation of humanitarian assistance, promotion and protection of human rights, support for justice and the rule of law, and disarmament, demobilization, reintegration, and repatriation processes. Amidst ongoing conflict in CAR, UN peacekeepers from MINUSCA worked with local defense forces to ensure the safety of civilians, including political figures like Beatrice Epaye. In addition, MINUSCA has been working on local peace agreements. For instance, Beatrice Epaye worked with MINUSCA to negotiate a ceasefire agreement among armed groups. In response to an IED attack on peacekeepers in CAR in October 2022, the head of African peacekeepers in CAR declared the anti-balaka, a violent militia involved in the conflict, as "enemies" of the peacekeeping force. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) has faced several challenges that have hindered the successful implementation of its mandates. One of the primary issues has been the continued violations of the Status of Forces Agreement (SOFA). The SOFA is a crucial agreement that outlines the rights and responsibilities of the peacekeeping mission, including safety, security, and freedom of movement. Violations of this agreement have restricted MINUSCA's ability to carry out its mandate effectively. Another significant challenge has been the resistance from various armed groups in CAR. These groups have exacerbated the conflict, which initially started as an opposition-government conflict but later developed into a religious conflict. This resistance has made it difficult for MINUSCA to implement its mandates, particularly those

related to the protection of civilians and the disarmament, demobilization, reintegration, and repatriation processes. Moreover, there have been allegations of peacekeepers not being equipped, prepared, or sufficiently supported politically to assume their responsibilities. This lack of support and preparation has led to situations where the safety of peacekeepers has been prioritized over the implementation of mandates, further hindering the peacekeeping efforts. Additionally, there have been issues related to the lack of representation of certain communities within the security sector and civil service, and the lack of outreach to Central African refugees in Chad and Cameroon. These issues have manifested themselves in the daily struggles of some Central Africans to receive identity cards or other administrative documents from the state. Lastly, the economic sustainability of CAR has been a concern. While short-term job creation has helped prevent outbreaks of violence, little has been done to support CAR's ability to sustain itself economically. Despite these challenges, MINUSCA continues its peacekeeping efforts in CAR, working towards overcoming these obstacles and successfully implementing its mandates. However, the situation underscores the complexity of peacekeeping missions and the multitude of factors that can influence their success or failure.

5. DR Congo: The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has been a significant peacekeeping effort in the region. The mission, established in 2010, has been involved in various activities including the protection of civilians, support for the transition process, facilitation of humanitarian assistance, promotion and protection of human rights, disarmament, demobilization, reintegration, and repatriation processes. However, the mission has faced several challenges. For instance, in late July, protesters attacked and looted MONUSCO facilities, accusing its peacekeepers of being ineffective in fighting armed groups. The security situation in eastern DRC has also deteriorated dramatically, with the resurgence of the M23 rebel group. This insecurity fuels human rights violations and has exacerbated an already dire humanitarian situation. Despite these challenges, MONUSCO has continued to provide operational, logistical, and tactical support both to the Congolese armed forces and national police in confronting M23 and other armed groups. The mission maintains a robust posture and remains fully mobilized to address the persistent insecurity created by armed groups in the country's east. The President of DR Congo, Félix-Antoine Tshisekedi Tshilombo, has

expressed gratitude for the support and partnership of the international community and the UN. However, he has also deplored that peacekeeping missions deployed in one form or another for almost 25 years in the DR Congo were neither able to control rebellions and resolve armed conflicts, nor protect civilian populations. He has instructed his Government to begin discussions with UN officials to accelerate and bring forward the MONUSCO withdrawal deadline by one year: from December 2024 to December 2023.

6. USA: The United States has been significantly involved in peacekeeping efforts globally, primarily through the United Nations. The U.S. is the largest financial contributor to UN peacekeeping and the world's single largest provider of peace operations capacity-building assistance. This involvement is driven by a belief that peacekeeping operations are essential to promoting international peace and security, protecting vulnerable populations, and helping countries rebuild and recover from conflict. However, there are criticisms of the U.S. role in peacekeeping. One critique is that the U.S. often fails to implement the lessons of previous operations, coordinates poorly with allies and non-governmental organizations, and participates inadequately in interagency planning. This lack of coordination and learning from past mistakes can lead to ineffective peacekeeping efforts. Another critique is related to the U.S.'s financial commitment to peacekeeping. Despite being the largest financial contributor, the U.S. has been known to fall short on its funding commitments. For instance, the U.S. is roughly \$400 million short on funding for UN peacekeeping operations due to a funding cap imposed by Congress. This shortfall can impact the effectiveness of peacekeeping operations and the safety of peacekeepers. Moreover, U.S.-backed foreign interventions have sometimes led to negative outcomes. For example, in Haiti, U.S.-backed foreign intervention has been criticized for hollowing out the state, undermining chances for democracy, and legalizing official impunity. These interventions can sometimes exacerbate the very conflicts they aim to resolve, leading to a cycle of instability and violence. In the end, while the U.S.'s involvement in peacekeeping is driven by noble intentions, it is not without its flaws. These shortcomings, if not addressed, can undermine the effectiveness of peacekeeping efforts and contribute to ongoing conflict and instability.

Points to be addressed:

- How do variations in the interpretation of UN peacekeeping mandates by troop-contributing countries affect the carry out of the mission?
- How do peacekeeping operations tackle the jurisdictional overlap between international law, the laws of the host state, and the national laws of troop-contributing countries?
- What are the legal implications of peacekeeping forces engaging with non-state actors, including armed groups, in the fulfillment of their mandate?
- How does the immunity granted to peacekeepers under international law affect the pursuit of justice in cases of alleged human rights violations?
- What legal issues emerge from the potential inclusion of private military contractors in peacekeeping operations?
- How does the withdrawal of consent by a host state affect the legal status and operational legitimacy of a peacekeeping mission?
- How are claims of damage or injury by the host population against UN peacekeeping forces legally addressed and resolved?

Further Reading

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