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**A World in Harmony: Creating a Future of Mitigated Polarization
by Addressing Ongoing Crises**

GA6: Legal

*Reviewing the jurisdiction of United
Nations Peacekeepers*

ZEYNEP NUR SELÇUK



**RESEARCH
REPORT**



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Issue: Reviewing the jurisdiction of United Nations Peacekeepers

Student Officer: Zeynep Nur Selçuk- Co-Chair

Introduction

United Nations (UN) Peacekeeping forces were established in 1945, it is the greatest and most esteemed portrayal of the UN and is funded by the UN Member States. It is a collaborative expenditure in worldwide peace, security, and solidarity. UN peacekeeping has demonstrated its aimed actions.

For more than 70 years, peacekeepers have had a tactile distinction in the lives of hundreds of thousands of the world's precious people. Peacekeepers protect civilians, deliberately avoid conflict, minimize aggression, maintain safety, and delegate these obligations to governmental bodies. This needs a well-coordinated security and reconciliation plan that complements the political agenda. UN peacekeeping assists hosting nations to grow more durable against violence, providing the framework for long-term peace, particularly through addressing war's root causes.

A solid and effective collaboration between the UN Secretariat, the Security Council, and the nations that provide conventional forces has enabled 55 peacekeeping missions across the globe to effectively accomplish their mandates over the years. This collaboration is critical as UN peacekeepers keep growing. UN peacekeeping is also devoted to increasing productivity and utilizing current technology, as well as other advancements.

Peacekeeping, on the other hand, is political, and its effectiveness is dependent on active and durable political systems, or the possibility of peace negotiations. Peacekeeping cannot replace the political will and commitment of the parties to terminate the disputes and safeguard their citizens, nor the hosting country's sovereign obligations. The sovereignty of the nations is the most critical part of the procedure of the UN Peacekeeping Forces to work without having any problems that enable it to solve the issues at hand. To be able to conduct such an environment there must be some regulations that all of the parties agree upon.

Definition of Key Terms

Peacekeeping: A global military force works actively to end or prevent violence between governments or groups. And it is one of the most effective ways to end a conflict amongst nations which is used by the UN.

The Mandate: The authority granted by the UN to a specific entity or organization to carry out a particular mission or task. The Mandate can refer to a wide range of activities, from peacekeeping operations and humanitarian assistance to overseeing elections and promoting human rights. When the UN grants a Mandate, it outlines the specific responsibilities and objectives of the entity or organization receiving the Mandate, as well as the duration and scope of its activities. The Mandate may also specify the resources and support that will be provided by the UN or other member states. For example, the UN may grant a Mandate to a peacekeeping mission to deploy troops to a conflict zone to help maintain stability and protect civilians. The Mandate may also include provisions for disarmament, demobilization, and reintegration of former combatants, as well as support for political dialogue and reconciliation. The Mandate is an important tool for the UN in carrying out its mission to promote peace, security, and human rights around the world. It allows the organization to authorize and coordinate the activities of different entities and organizations while ensuring that they are aligned with the UN's goals and principles.

Buffer Zones: Areas established between opposing forces, usually in conflict zones, to create a space where military activity is restricted or prohibited. The purpose of buffer zones is to prevent or reduce violence, protect civilians, and facilitate peace negotiations. Buffer zones are typically created through negotiations between warring parties, with the support and guidance of the UN or other international organizations. They can take different forms depending on the specific context but may include demilitarized zones, no-fly zones, or areas of limited military activity.

UN Peacekeeping Troops & Police Contributors: Police and armed forces officers are the first and primary members of their respective national services before being assigned to serve to the United Nations. They hail from countries rich and poor. They represent a wide range of backgrounds and skills to the task, but they are unified in their desire to promote peace across the world.

General Overview

Reviewing the jurisdiction of United Nations (UN) Peacekeepers refers to the process of assessing the legal and operational authority of UN Peacekeepers in a particular conflict or

post-conflict situation. When the UN Security Council mandates a peacekeeping mission, it defines the scope and nature of the mission's jurisdiction. However, the UN's jurisdiction can be impacted by a variety of factors, including the consent of the parties to the conflict, the presence of other actors on the ground, and changes in the security situation. Thus, reviewing the jurisdiction of UN Peacekeepers involves regularly assessing whether the mission's authority and capabilities are aligned with the evolving needs and challenges of the situation. The review process may involve consultations with the parties to the conflict, other relevant actors on the ground, and the UN's member states. It may also include on-the-ground assessments by UN officials and experts, as well as an analysis of relevant legal and policy frameworks. Ultimately, the goal of reviewing the jurisdiction of UN Peacekeepers is to ensure that the mission is able to effectively carry out its mandate, protect civilians, and contribute to a sense of sustainable peace.

The key parties to the dispute agree to the deployment of UN peacekeeping missions. This necessitates the parties' commitment to a political process. Their approval of a peacekeeping mission gives the UN the essential political and physical leeway to carry out its assigned objectives. In the lack of such agreement, a peacekeeping mission risks becoming such a participant in the conflict and being diverted away from its primary duty of maintaining peace. In volatile environments typified by the existence of armed organizations not under the authority of any of the political parties, or by the involvement of other spoilers, universal consent becomes much less likely.

Impartiality is essential for retaining the key parties' agreement and cooperation, but it should not be mistaken for neutrality or inaction. United Nations peacekeepers ought to be unbiased in their interactions with conflict parties, but not impartial in carrying out their mission. A peace process should not tolerate conduct by parties that contradict the commitments of the peace negotiations or the global norms and values that a United Nations peacekeeping mission maintains, much as a competent referee is neutral but will penalize breaches.

Namibia (UNTAG): The United Nations Transition Assistance Group (UNTAG) successfully supervised the transition to independence in Namibia in 1990, ending decades of South African rule. El Salvador (ONUSAL): The United Nations Observer Mission in El Salvador (ONUSAL) played a key role in supporting the peace process that ended the country's civil war in 1992. Mozambique (ONUMOZ): The United Nations Operation in Mozambique (ONUMOZ) helped to broker a peace agreement between the Mozambique government and the rebel group RENAMO in 1992, ending a long and devastating civil war. Cambodia (UNTAC): The United Nations Transitional Authority in Cambodia (UNTAC) helped to organize democratic elections in 1993 and to establish a new government, following years of conflict and civil war. Sierra Leone (UNAMSIL): The United Nations Mission in Sierra Leone (UNAMSIL)

played a key role in ending the country's civil war in 2002, and helped to disarm and reintegrate former combatants into society.

The principle of sovereignty is a fundamental aspect of the United Nations' work, including its peacekeeping operations. Sovereignty is the idea that each nation has the right to govern itself and make decisions without external interference. Some reasons why respect for nations' sovereignty is important in UN peacekeeping forces are, legitimacy; respect for nations' sovereignty is essential to the legitimacy of UN peacekeeping operations. By respecting the sovereignty of the host country, the UN can ensure that its actions are seen as impartial and non-intrusive. Consent; sovereignty also ensures that the host country consents to the presence of UN peacekeepers on its territory. This is important for the effectiveness of the mission, as it allows UN forces to operate with the cooperation of the host country's government. Stability; respect for sovereignty can help to maintain stability and prevent conflicts from escalating. By respecting the territorial integrity of each nation, the UN can avoid inflaming nationalist or separatist sentiments, and can help to prevent the emergence of new conflicts.

Major Parties Involved and Their Views

United Nations Security Council (UNSC): The Security Council is responsible for the maintenance of international peace and security, and it is authorized to establish and oversee UN Peacekeeping operations around the world. When a conflict or crisis arises, the Security Council can authorize the deployment of a UN Peacekeeping force to the affected area. The Council will determine the mandate, size, and composition of the force, as well as the rules of engagement and other operational details. The Security Council may also renew or modify the mandate of a peacekeeping mission as the situation evolves. The Security Council also provides political guidance and strategic direction to UN Peacekeeping forces. It regularly receives reports from the Secretary-General and other UN officials on the situation on the ground and the progress of the peacekeeping mission. The Council may also engage in diplomatic efforts to resolve the underlying causes of the conflict and promote a peaceful resolution. In addition, the Security Council has the power to enforce its decisions on UN Peacekeeping forces. It can take action against any party that obstructs or interferes with the work of a peacekeeping mission, and it may authorize the use of force to protect civilians and maintain peace and security.

The United States of America: In recent years, the US has called for a number of reforms to the UN's peacekeeping architecture, including a review of the mandate and jurisdiction of peacekeeping missions. In 2018, the US ambassador to the UN, Nikki Haley, led a high-profile campaign to reform UN peacekeeping operations, which included a focus on improving the mandates and accountability of peacekeeping missions. The US has also been a strong advocate for ensuring that UN peacekeepers are held accountable for their actions, particularly in cases of

sexual exploitation and abuse. At the same time, however, the US has been critical of what it sees as an overly bureaucratic and ineffective UN system and has at times expressed skepticism about the value of UN peacekeeping operations. The Trump administration, in particular, was openly critical of the UN and advocated for a reduction in US funding for UN peacekeeping operations.

Bangladesh: Is one of the largest contributors of troops to United Nations peacekeeping missions and has been actively involved in such operations for several decades. As a strong supporter of the United Nations and its peacekeeping efforts, Bangladesh has emphasized the need for effective and accountable peacekeeping missions that operate within their respective mandates and in full respect of the host country's sovereignty and territorial integrity.

Bangladesh has also been a vocal advocate for the review of the United Nations peacekeeping system, particularly in terms of enhancing the effectiveness of peacekeeping operations and ensuring the safety and security of peacekeepers. In this regard, Bangladesh has expressed support for the ongoing efforts to strengthen the United Nations peacekeeping architecture and improve the accountability and transparency of peacekeeping operations. At the same time, Bangladesh has also emphasized the importance of ensuring that the jurisdiction of United Nations peacekeepers remains within the framework of international law and the principles of the United Nations Charter.

Sudan: Has been the host country of several United Nations peacekeeping missions over the years, including the United Nations Mission in Sudan (UNMIS) and the United Nations-African Union Hybrid Operation in Darfur (UNAMID). Sudan has had a complicated relationship with UN peacekeeping missions, with some government officials accusing peacekeepers of violating the country's sovereignty. Sudan has called for greater consultation with host countries in the planning and execution of peacekeeping missions, stressing the importance of respecting the sovereignty and territorial integrity of member states. Sudan has also expressed concerns about the impartiality of some peacekeeping missions and has called for greater accountability and transparency in the activities of UN peacekeepers. At the same time, Sudan has acknowledged the important role that United Nations peacekeeping missions can play in promoting peace and stability in conflict-affected areas.

Israel: Israel has had a complex relationship with the United Nations and its peacekeeping missions. In the past, Israel has accused UN peacekeeping missions of failing to prevent attacks by armed groups and has called for greater accountability and effectiveness in the activities of UN peacekeepers. At the same time, Israel has recognized the important role that United Nations peacekeeping missions can play in promoting peace and stability in conflict-affected areas. Regarding the review of the jurisdiction of United Nations Peacekeepers, Israel has called for

greater emphasis on the protection of civilians and for a clearer mandate for peacekeeping missions to use force when necessary to protect civilians. Israel has also called for greater coordination and cooperation between UN peacekeeping missions and host countries, emphasizing the importance of respecting the sovereignty and territorial integrity of member states.

Timeline of Events

1945	<i>The UN Peacekeeping Force was established as an operation mechanism under the UN. Which aimed to maintain a peaceful environment all around the world.</i>
1948	<i>The first UN Peacekeeping mission was established when the UNSC allowed UN Military Observers to supervise and enforce the truce during the 1948 Arab-Israeli War. The mission was known as the United Nations Truce Supervision Organization (UNTSO).</i>
2000 2003	<i>The United Nations Security Council adopts Resolution 1296, which emphasizes the need for greater coordination between the United Nations and regional organizations in peacekeeping operations.</i> <i>The UN Peacekeeping mission is the United Nations Mission in Liberia (UNMIL), which was established in 2003 to support the implementation of the peace agreement that ended the country's civil war.</i>
2019	<i>The United Nations General Assembly adopts the Declaration of Shared Commitments on UN Peacekeeping Operations, which reaffirms member states' commitment to supporting UN peacekeeping operations and calls for greater accountability and transparency in their activities.</i>
2020	<i>The UNSC adopts Resolution 2535, which calls for greater cooperation and coordination between United Nations peacekeeping missions and host countries and emphasizes the importance of respecting the sovereignty and territorial integrity of member states.</i>

Treaties and Events

The High-Level Independent Panel on Peace Operations: In 2015, the UN established a High-Level Independent Panel on Peace Operations to review the UN's peacekeeping architecture and recommend ways to strengthen its effectiveness. The panel's report included a number of recommendations related to the jurisdiction of peacekeeping operations, including improving coordination between the UN and regional organizations, strengthening accountability mechanisms, and providing better support for political processes.

The United Nations Charter: The UN Charter is the founding document of the United Nations and sets out the principles and guidelines for UN peacekeeping operations. Article 42 of the Charter empowers the Security Council to authorize the use of force in order to maintain or restore international peace and security.

The Geneva Conventions: The Geneva Conventions are a series of international treaties that establish the standards of international humanitarian law in armed conflicts. UN Peacekeepers are required to comply with the provisions of the Geneva Conventions, which include protecting civilians and prisoners of war and respecting the principles of proportionality and distinction.

Evaluation of Previous Attempts to Resolve the Issue

In recent years, the United Nations (UN) has conducted comprehensive reviews of its peacekeeping operations, which have included assessments of the missions' jurisdiction. These reviews involve consultations with a wide range of stakeholders, including the parties to the conflict, host countries, troop-contributing countries, and civil society organizations. The reviews aim to identify gaps in the missions' mandates and capabilities and to make recommendations for improvement. The UN has also established independent panels to review specific peacekeeping operations. For example, in 2015, the UN established an independent panel to review the peacekeeping mission in South Sudan, which had faced significant challenges in protecting civilians and supporting the peace process. The panel's recommendations led to significant changes in the mission's mandate and approach.

The UN has recognized the importance of engaging with the parties to the conflict in reviewing the jurisdiction of peacekeeping operations. In some cases, the UN has sought formal consent from the parties to the conflict before deploying peacekeepers. In other cases, the UN has engaged in ongoing consultations with the parties to ensure that the mission's mandate remains relevant and effective. The UN has worked to strengthen the legal frameworks that govern peacekeeping operations. Model Status-of-Forces Agreements (Model SOFAs) provide a

framework for addressing issues related to the jurisdiction of peacekeepers in host countries. The Model SOFAs govern the legal status of peacekeepers in host countries.

Possible Solutions

To improve the jurisdiction of United Nations Peacekeepers, the UN could implement several measures. Increased coordination with regional organizations, NGOs, and local authorities through regular meetings, joint planning, and information sharing would ensure alignment with the situation on the ground. Enhanced training on human rights, international humanitarian law, and the legal framework governing missions would better equip peacekeepers to carry out their mandate. Strengthening legal frameworks by developing clearer mandates, improving accountability mechanisms, and promoting international law use in peacekeeping operations would enhance the effectiveness of peacekeeping efforts.

Useful Links

<https://peacekeeping.un.org/en>

https://peacekeeping.un.org/sites/default/files/201003.unga75.car_hle_chairssumm_aryenfinal.pdf

https://peacekeeping.un.org/sites/default/files/2021_sea_report.pdf

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