

**Forum (Council, Committee, Assembly):** [Reform Security Council](#)

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## **TOPIC 2: The issue of the jurisdiction of the UN Peacekeeping Force**

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### **I. Introduction to the Topic**

The topic regarding The issue of the jurisdiction of the UN Peacekeeping Force is important regarding the protection of Human Rights, Maintaining International Peace and Security. The theme of: “How do we ensure sustainability through multilateral cooperation?” is closely related to the issue of this topic as both topics involve the collaborative efforts of nations to address global challenges and promote stability.

At the international level, the UN Peacekeeping Force operates in various regions around the world, with its mission to maintain peace and stability in conflicted areas. These missions often involve complex legal and jurisdictional challenges that require careful consideration.

In the international context, the jurisdictional question arises because UN Peacekeeping Forces operate in sovereign states that retain their legal authority and jurisdiction. This raises concerns about how peacekeepers' actions should be governed and regulated within the host country's legal framework. Balancing the need for peacekeeping operations with respect for national sovereignty is a crucial aspect of addressing this issue.

At the regional level, different regions have their own unique dynamics and legal frameworks. When taking into account regional organizations' involvement in peacekeeping efforts. Regional bodies such as the African Union (AU) or the European Union (EU) may have their own peacekeeping forces or mandates, which can intersect with and potentially complicate the jurisdictional arrangements with the UN Peacekeeping Force.

On the national level, host countries have their own legal systems and expectations regarding the jurisdiction and accountability of foreign peacekeepers operating within their borders. The relationship between the UN Peacekeeping Force and the host country's legal authorities must be clearly defined to ensure effective cooperation and prevent potential conflicts or abuses of power.

At the local level, peacekeeping forces can significantly impact local communities affected by conflict. The jurisdictional question becomes important to address issues related to human rights abuses, criminal activities, and accountability. Local populations often seek justice for any harm caused by peacekeepers, and ensuring appropriate mechanisms for accountability and redress is essential for building trust and maintaining the legitimacy of peacekeeping operations.

### **II. Definition of Key Terms & Concepts**

#### **Military expenditure**

A military expenditure (military budget) is the amount of financial resources dedicated by a nation to enhance or maintain essential methods for defence purposes.

### **Reconciliation**

Reconciliation is the action of making one view or belief compatible with another with the aim to restore a relationship. This usually occurs between countries after a conflict or simply as a general effort by countries to improve collaboration.

### **Ceasefire Agreement**

A ceasefire agreement is an agreement that suggests a level of commitment between warring parties to seek an end to armed conflict.

### **Troop contributing countries (TCCs)**

TCCs are countries that contribute troops to UN peacekeeping or assistance missions or offices. A lack of political will among TCCs is a problem since it directly affects the global progress of effective justice.

### **International humanitarian law (IHL)**

International humanitarian law (IHL) is a set of rules that seek to limit the effects of armed conflict. It lays out the responsibilities of states and non-state armed groups during an armed conflict.

## **III. Key Stakeholders**

### **The United States of America**

The United States is the single largest financial contributor to United Nations (U.N.) peacekeeping activities. The country influences many crucial decisions of the UN peacekeeping bodies and also the afflicted nations.

### **The United Nations Truce Supervision Organization**

The United Nations Truce Supervision Organization (UNTSO) mission is to monitor ceasefires, supervise ceasefire agreements, prevent isolated incidents from escalating and assist other United Nations peacekeeping operations.

### **The United Nations Emergency Force**

The United Nations Emergency Force (UNEF) mission is to secure and supervise the cessation of hostilities in a timely manner.

### **The United Nations Organization Stabilization Mission in the DR of the Congo**

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) was established to protect civilians from violence and, in addition, promote humanitarian access and aid for disarming, demobilising, and reintegrating former combatants back into society.

### **International Court of Justice**

The International Court of Justice (ICJ) settles disputes between states in accordance with international law and gives advisory opinions on international legal issues. The ICJ is the only international court that

adjudicates general disputes between countries. Its suggestions and decisions serve as the main sources of international law mentioning treaties, international customs, and general widely recognized principles of law.

#### IV. Key Issues including Background Information

##### Performance issues and charges against UN Peacekeepers

In recent times, it has been reported that the UN Peacekeepers in the Democratic Republic of the Congo have been condemned with serious charges of sexual exploitation, abuse, and other serious misconduct. A number of UN Peacekeepers have been suspended out of the country, reflecting the need to review the overall authorities and qualities of UN Peacekeeping troops sent on international missions.

##### The responsibility to protect and UN authorities

The commitment on the Responsibility to Protect People (R2P) from genocide, war crimes and ethnic cleansing has been committed to by the United Nations and its member states. The following commitment requires UN bodies and its member states to take action in intervening and providing aid for nations facing armed conflict or in need of assistance. However, practising this has been exceedingly difficult due to the concerns raised by certain countries regarding the infringement on their national sovereignty. The UN peacekeeping forces need to publish better instructions and commitments on their authority to intervene in the internal affairs of countries in conflict.

##### Legal framework regarding the actions of UN peacekeepers

Peacekeepers are granted limited immunity and are subject to the jurisdiction of their home countries. This can create challenges in cases of misconduct or human rights abuses committed by peacekeepers, as it raises questions about accountability and the ability to prosecute individuals responsible for such actions.

##### Consent of the host country

UN peacekeeping missions traditionally require the consent of the host nation to operate within its territory. However, conflicts often involve non-state actors or situations where the host government may be unable or unwilling to provide consent, raising questions about the jurisdiction and legitimacy of the peacekeeping force.

#### V. Timeline of Resolutions, Treaties, and Events

Date	Description of event
1948	<p data-bbox="427 1827 842 1868"><u>First UN Peacekeeping Mission</u></p> <p data-bbox="427 1868 1452 2002">The establishment of the first peacekeeping mission, the United Nations Truce Supervision Organization (UNTSO) with the mission to take control over the ceasefire between Israel and its neighbouring Arab countries.</p>

Rwandan Genocide

1994

The Rwandan Genocide faces international criticism for the lack of Response from the United Nations

MONUSCO Deployment

1999

UN peacekeeping has been involved in the DRC domestic conflicts since 1999 until now, becoming one of the largest missions of the UN Peacekeeping.

Responsibility to Protect (R2P)

2005

The UN General Assembly endorsed the principle of the Responsibility to Protect, which states that the international community has a responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

UN Intervention in Libya

2011

The Security Council authorized military intervention in Libya under Resolution 1973 to protect civilians during the Libyan Civil War raising questions about the limits of the UN's jurisdiction and the interpretation of the mandate to protect civilians, as it involved airstrikes and regime change.

UN Peace and Security Reform

2019, January 1st

A reformed structure of the pillar of peace and security by the Secretary General to incorporate modern-day security issues more effectively. This change mainly aims to prioritize prevention and sustained peace in the nation, along with strengthening the coherence of UN peacekeeping forces.

**VI. Possible Challenges & Solutions****Authorities of UN Peacekeepers on mission**

Recognizing the issue where UN peacekeepers have been accused of serious misconduct, the UN peacekeeping commission has been asked to formally review its training process and expertise of UN peacekeepers. Taking into consideration the incident in Congo, where troops deployed on an international mission were involved sex crimes, serves as a reminder that the commission should also focus on monitoring Peacekeepers participating in international missions. UN peacekeepers shall undertake their duties and obligations in accordance with national to local laws, as well as being aware of the authorities and appropriate activities when operating in the host country.

**Commitments when intervening internal affairs of countries in conflict**

Understanding the concerns of countries in conflict regarding violations of their national sovereignty, it is incumbent upon the United Nations peacekeeping forces to acknowledge and tackle this matter, as it directly impacts the monitoring of ceasefires and global conflicts. This action would require discussions with the respective countries, taking into account their specific apprehensions. Overall, it is necessary to

reach a joint agreement between the UN Peacekeeping Forces and the following countries, which clearly outlines the authority of the United Nations to intervene in internal affairs.

### **Legal framework regarding the actions of UN peacekeepers**

Addressing the issue of accountability and the ability to prosecute individuals responsible for misconduct or human rights abuses committed by peacekeepers, allowing the UN to establish standards of conduct and a three-pronged strategy to address all forms of misconduct. This includes prevention of misconduct, enforcement of UN standards of conduct, and remedial action. The UN also investigates civilian and police personnel, and military experts on mission, as well as military personnel not investigated by their Member State. Members of military contingents deployed in UN operations remain under the exclusive jurisdiction of their national government

### **Consent of the host country**

In order to resolve the issue of the peacekeeping force's authority and legitimacy in circumstances where the host government is unable or unwilling to offer consent, the UN could strive to enhance engagement and facilitate cooperation between host-states and UN peacekeeping forces. Regional organizations such as the African Union, for example, might play a larger part in this process. Furthermore, when renewing the mandate, host-states are an important stakeholder in a peacekeeping mission as well as other countries regarding this.

## **VII. Recommendations for Resolution Writing including Research**

To better research and draft a resolution on this topic, delegates should look into the activities between the UN Peacekeeping and the delegate's country. Please take note of the key challenges highlighted in the chair's report regarding UN Peacekeeping and assess whether any of these issues are prevalent within the delegate's country. Even if these problems are not prominent in the delegate's country, it is still essential to construct a resolution that mentions solutions to all the core issues, referring to stances from other nations as well. The resolution should be universal, legitimate, and effectively tackle the fundamental concerns regarding the topic at hand.

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## IX: Additional Resources

### 1. Financial contributions from the P5 to the UN Peacekeeping from Jan 1994 - March 2016

