

Legitimacy of UN Peacekeeping Forces

شرعية قوات حفظ السلام للأمم المتحدة



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Abstract:

Following World War II and the resulting human suffering, and starting with the establishment of the United Nations, there has been a focus on international peace and security as one of the organization's core principles. The Security Council was tasked with the mission of maintaining international peace, including the deployment of international peacekeeping forces in conflict zones. These forces are provided with all necessary resources to ensure the success of their operations, including military and technical support.

Keywords: United Nations, Security Council, Peacekeeping, Armed Conflict

ملخص:

بعد الحرب العالمية الثانية وما خلفته من معاناة إنسانية، وبدءاً من إنشاء منظمة الأمم المتحدة، كان هناك تركيز على السلم والأمن الدوليين كأحد المبادئ الأساسية للمنظمة. وقد تم تكليف مجلس الأمن بمهمة الحفاظ على السلم الدولي، بما في ذلك تعيين قوات حفظ سلام

دولية في مناطق النزاع. تُمنح هذه القوات جميع الإمكانيات اللازمة لتحقيق نجاح عملياتها، بما في ذلك الدعم العسكري والتقني.
كلمات مفتاحية: الأمم المتحدة، مجلس الأمن، حفظ السلام، نزاع مسلح.

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INTRODUCTION

The UN Charter places significant importance on establishing mechanisms to protect collective security and to contain international and internal conflicts that threaten international peace and security. In this context, the peacekeeping mission is entrusted to forces operating under the auspices of the organization, with the aim of assisting countries in maintaining peace and security, as well as supporting political aspects and reforming judicial and police institutions in conflict-affected states, thereby promoting the rule of law. These forces also strive to address the humanitarian impacts of armed conflicts, such as the repatriation of refugees and the resettlement of those displaced by wars and civil strife.

The framework for international peacekeeping forces allows for intervention in conflicts to help resolve or settle them; however, some view this as an infringement on state sovereignty and interference in internal affairs, which contradicts the principles of the United Nations. International peacekeeping operations are considered decisions made by the UN Security Council, based on its core responsibilities of maintaining peace

and security, and exercising its discretionary authority under Article 39 of the Charter.

Based on the above, the following problem arises: What are international peacekeeping forces and how can their role in international conflicts be evaluated?

1. Section one: The Nature of Peacekeeping Operations and Their Origins

The UN Charter does not provide a precise definition of peacekeeping operations, but the need to enhance international security and peace made it necessary to establish a legal basis for these operations.¹

1.1 Chapter one: The Concept of Peacekeeping Operations

The United Nations aims to support countries suffering from armed conflicts by deploying forces from various nations to restore peace and security in affected areas. Peacekeeping operations are characterized by being conducted in the name of the United Nations, which defines their missions and scope of work. Member states place their national forces at the disposal of the organization, and the operations of these forces are non-mandatory, requiring the consent of the parties involved in the conflict.²

1.1.1 Branch one: Principles of Peacekeeping Operations

Peacekeeping operations are based on several fundamental principles, including:³

- **Exclusion of Permanent Members of the Security Council:**

The military forces of these countries do not participate in peacekeeping operations, and the forces operate with complete neutrality, preventing any influence on the political and military situation of the conflict.

- **Principle of Neutrality :**

Neutrality is one of the most important principles guiding peacekeeping forces. Any bias toward one of the parties could lead to the withdrawal of consent for their presence, ensuring the success of the mission and acceptance by all parties.

- **Use of Force Only in Self-Defense:**

Peacekeeping forces use force solely in cases of self-defense and only with authorization from the Security Council. An example of this is Security Council Resolution 836, which expanded the powers of UN forces in Bosnia and Herzegovina to protect civilians.⁴

1.1.2 Branch Two: Distinguishing the Term "Peacekeeping" from Others

The term "peacekeeping" differs from similar terms, as noted by former UN Secretary-General Boutros Boutros-Ghali:

- **Mediation:**

Aims to prevent tensions from escalating into armed conflict through diplomatic means and may involve the deployment of preventive forces.

- **Peace Making:**

Involves efforts to end conflicts using peaceful means, carried out by official envoys or international organizations.

- **Peace Enforcement:**

Based on Chapter VII of the UN Charter, this involves the use of force or the threat of force to compel the parties involved to comply with international resolutions. In contrast to peacekeeping operations, peace enforcement requires the consent of the conflicting parties and may include the use of armed force or non-military sanctions.⁵

1.2 Chapter Two: The Evolution of the Idea of Intervention by Peacekeeping Forces

The world experienced a period of tension in international relations during the Cold War that followed World War II. After this period ended, the Security Council clarified its philosophy regarding the maintenance of international peace and security, broadening the scope of factors it considers as threats to international peace, based on its specific authorities under Article 39 of the UN Charter.

The events of September 11, 2001, significantly impacted the concept of international security and peace, leading to the emergence of the term "counter-terrorism." Additionally, North Korea's possession of nuclear weapons posed a threat to its neighbors' security, which the Security Council regarded as a violation of international peace and security.⁶

1.2.1 Branch One: Humanitarian Intervention

Humanitarian intervention is a conditional right that allows for actions not legally authorized, but it is grounded in principles of public international law. States are obligated to intervene when

fundamental human rights are violated. Article 1 of the UN Charter emphasizes the importance of international cooperation in addressing economic, social, and humanitarian issues and in promoting human rights.

Humanitarian intervention also relies on Article 55 of the Charter, which underscores the necessity of promoting human rights and fundamental freedoms. Accordingly, military intervention may be deemed essential for the maintenance of these rights.⁷

However, humanitarian intervention has faced strong opposition, as some argue that it contradicts the principles of neutrality and non-interference. Opponents also point out that the UN has not intervened in human rights violations in certain Western countries, such as Northern Ireland and the Basque Country in Spain.

The most significant issue is the lack of standardized criteria for the conditions of humanitarian intervention, leading to a double standard. For example, while the United States intervened in Somalia, the UN did not address the conflict in Rwanda.⁸

Controversial Cases of Humanitarian Intervention:

- **Intervention in Iraq:** This occurred based on Security Council Resolution 685, which expressed concern over violations of the rights of civilians, particularly Kurds, leading to a wave of displacement.⁹
- **Bosnia and Herzegovina:** The Security Council linked violations of international law to threats to international

peace and security in its resolutions, but it did not grant peacekeeping forces sufficient authority to enforce compliance with these laws.

- **Somalia:** In Security Council Resolution 794, the humanitarian crisis was connected to threats to peace, despite the intervention conflicting with the principle of non-interference in internal affairs.
- **Burundi:** The Security Council expressed concern over the deterioration of the humanitarian and security situation, emphasizing human rights violations, which made the intervention purely humanitarian.

1.2.2 Branch Two: Protection within Peacekeeping Operations

Weak states have expressed concern that the Security Council has become a tool for major powers to intervene in the affairs of other countries, prompting calls for a reevaluation of the concept of humanitarian intervention. In this context, the Canadian Foreign Minister proposed the formation of an international committee to determine how to balance intervention with national sovereignty rights. This committee established several key principles:¹⁰

- Adoption of the concept of "Responsibility to Protect" instead of "humanitarian intervention."
- Enhancement of international assistance and capacity building.
- Taking decisive action when the state in question is unable to protect its citizens.¹¹

- **The 2005 United Nations Summit articulated the three**

pillars of the Responsibility to Protect, which include:

1. The responsibility of states to protect populations from genocide and war crimes.
2. The responsibility of the international community to use appropriate means to protect populations.
3. Encouraging states to fulfill this responsibility.¹²

The UN Secretary-General has continued to work in this direction, submitting reports on the implementation of the Responsibility to Protect and emphasizing the need to improve early warning mechanisms to address risks related to crimes against humanity.¹³

The Responsibility to Protect allows for military intervention for humanitarian purposes in two cases:

1. The presence of civilians in severe danger.
2. The inability of the state in question to address this danger, or if it is the source of that danger.

These cases include all forms of organized killing, torture, terrorism, and other violations of international law, as well as natural disasters and the resulting humanitarian crises.¹⁴

2. section Two: Applications Concerning the Work of Peacekeeping Forces and Assessment of Their Effectiveness

The difficulty of peacekeeping operations in the field becomes evident when attempting to mitigate armed conflicts, as their efforts often conflict with numerous legal rules and fundamental principles. Furthermore, these forces encounter legal obstacles as well as challenges beyond the scope of law, which affects their effectiveness in carrying out their missions, as noted

by the comments of the International Humanitarian Law Committee.

2.1 Chapter One: Practical Cases of Peacekeeping Operations

Here, we will discuss some cases where the responsibility for international peacekeeping has been assigned to international forces based on decisions issued by the UN Security Council.

2.1.1 Branch One: Peacekeeping Forces in Somalia

International peacekeeping forces in Somalia were established under Security Council Resolution 794. The work of these forces has faced widespread criticism for what was perceived as an offensive role rather than a preventive one. Italy expressed its refusal to participate, stating that the forces were acting as police in the region, thereby endangering civilian lives, especially following indiscriminate bombings by U.S. air forces and NATO.¹⁵

The air and naval attack on the city of "Kismayo" sparked significant debate regarding the commitment of peacekeeping forces to their duty of protecting civilians. These forces were criticized for failing to respect the provisions of international humanitarian law, as the circular issued in 1999 emphasized the obligation to protect civilians and distinguish them from combatants, which was not adhered to during military operations.

It is noteworthy that Canadian soldiers part of UN forces committed violations against Somali prisoners, constituting a breach of the provisions of the Third Geneva Convention concerning the treatment of prisoners of war.¹⁶

2.1.2 Branch Two: Peacekeeping Forces in Haiti

International peacekeeping forces in Haiti were established under Security Council Resolution 1542, issued on April 30, 2004. This resolution allowed international forces, led by the United States, to use necessary means to compel the military leadership to depart, justifying this on the grounds of deteriorating humanitarian conditions and gross violations of human rights by military authorities.¹⁷

The operation of the forces in Haiti was termed "Operation Support Democracy," despite some regional countries, such as Brazil, expressing dissatisfaction with this operation. This operation represented a precedent for UN intervention to protect democracy, as it received an international mandate permitting the use of military force to achieve this goal.

The mission of peacekeeping forces in Haiti focused on transforming armed forces into regular forces and providing a secure environment for conducting fair elections. Additionally, Article 6 of the circular prohibited the use of banned weapons, such as toxic gases and explosive munitions, as well as conventional weapons like anti-personnel mines.

The UN forces also provide support for humanitarian relief operations, although these recommendations are not mandatory but rather guidelines accompanying the operations of the forces under the organization's leadership.

2.2 Chapter Two: Assessment of Peacekeeping Operations

UN peacekeeping forces face numerous difficulties and shortcomings. These challenges relate to command unity and funding, as well as the United Nations' responsibility for

violations of international humanitarian law.

2.2.1 Branch One: Obstacles to Peacekeeping Operations

The applications of UN peacekeeping operations on the ground have shown that these missions encounter difficulties that significantly affect their success, necessitating the organization to seek effective solutions to overcome these obstacles.¹⁸

2.2.1.1 First: Command Unity

The issue of command unity is a fundamental concern for peacekeeping operations, as the political conditions surrounding crises require a delicate balance. The sole commander of peacekeeping operations is the UN Secretary-General, making it challenging for one person to monitor developments across all international missions and issue necessary orders on a daily basis. This situation compels each country to supervise its forces independently.

Former UN Secretary-General Boutros Boutros-Ghali highlighted this issue in his position paper, emphasizing the importance of distinctions among different levels:

- The Security Council is responsible for providing general political guidance.
- The Secretary-General is responsible for delivering executive direction.
- The mission leader is responsible for field command.

Furthermore, there are only 32 military officers within the United Nations responsible for coordinating peacekeeping operations and directing forces deployed around the world.¹⁹

2.2.1.2 Second: The Funding Problem

Funding has become a major obstacle facing peacekeeping operations, especially following the expansion of these forces after the Cold War. Following the financial crisis that afflicted the organization due to reduced U.S. contributions, the UN has struggled to pay the dues of countries participating in peacekeeping operations, increasing its indebtedness.

In 1995, Boutros-Ghali stated that "if we are to demand greater effectiveness from the United Nations, we must first provide for its financial needs." Many developing countries have expressed their inability to continue participating in peacekeeping operations if they do not receive their financial entitlements, as participation places an additional burden on their fragile economies.²⁰

2.2.2 Branch Two: Successes and Failures of Peacekeeping Operations

2.2.2.1 First: Successes of Peacekeeping Operations

Despite criticisms, UN peacekeeping operations have achieved numerous successes. Peacekeeping forces have organized fair elections in over 45 countries and assisted in disarming tens of thousands of combatants. Some operations, such as those in Cambodia and Haiti, demonstrated the forces' ability to facilitate transitions to peace and stability.

In Mozambique, peace operations contributed to the disarmament of fighters and oversaw elections that ended a civil war lasting more than 16 years. Peace efforts in Nicaragua and El Salvador helped monitor human rights and played an effective role in addressing famine in Somalia.²¹

The peacekeeping operation in Cambodia is considered one

of the most successful, as it contributed to ending a 25-year war and initiated reconstruction and growth efforts.

2.2.2.2 Second: Failures of Peacekeeping Operations

The tragedy of Bosnian Muslims will not be forgotten, where approximately 45,000 civilians were killed in the town of Srebrenica, amidst the complicity of international peacekeeping forces that failed to prevent these crimes. Peacekeeping forces also failed in Rwanda, where their delayed arrival three months after the Arusha Agreement necessitated France's intervention in Operation Turquoise to end the tragedies.

Conclusion

UN peacekeeping forces have played a vital role in managing international conflicts since the establishment of the organization in 1945, as its charter emphasizes the importance of maintaining international peace and security as a primary priority. These forces have seen significant activity in conflict zones such as Cambodia, Lebanon, the former Yugoslavia, East Timor, and Haiti.

However, peacekeeping operations have faced financial and political challenges. Financially, some countries resisted paying their dues, along with reduced contributions from others, notably the United States, as a means to pressure the organization's decisions. Politically, the bias of certain major powers in specific issues led to catastrophic outcomes, such as the genocide of Bosnian Muslims, under the silence of international peace forces.

Through this research, I arrived at the following conclusions:

1. The legal basis for the operation of international

peacekeeping forces relies on Chapter VII of the UN Charter.

2. The United Nations General Assembly has the right to issue recommendations for the formation of international peacekeeping forces when the Security Council fails to fulfill its duties.
3. Peacekeeping operations face financial and political obstacles due to the dominance of major powers, and some members of these forces contribute to mission failures due to a lack of knowledge of the laws. American control over peacekeeping operations, as the main funder, is also a significant influencing factor.

¹ Yves Petit, *Droit international du maintien de la paix*, Paris, L.G.D.G, 2000, p. 75.

² Hamad Tawfiq Khalil, *UN Forces and Their Role in Peacekeeping*, Egyptian Society of International Law Journal, Cairo, 1971, p. 35.

³ Ahmed Tawfiq Khalil, *Op. cit.*, p. 35.

⁴ Ibid, p. 38.

⁵ Security Council Resolution 836, issued on June 4, 1994.

⁶ Security Council Resolution 836, issued on June 6, 1994.

⁷ Fatiha Letim, *Towards Reforming the United Nations for Peace and Security*, Arab Unity Studies Center, Beirut, 2011, p. 223.

⁸ Marwa Nazih, *UN Peacekeeping Operations*, Civilized Dialogue Journal, Issue 3168, 28.10.2010.

⁹ Fatiha Letim, *Op. cit.*, p. 79.

¹⁰ Adel Hamza Othman, *The UN and its Position on Humanitarian Intervention Operations*, International Studies Center, Baghdad, 2004, p. 28.

¹¹ See: Article 1 of the UN Charter.

¹² Fatiha Letim, *Op. cit.*, p. 84.

¹³ See: Security Council Resolution 685, issued on August 13, 1992.

¹⁴ Idriss Lakrini, *Intervention in International Practices: Between Danger and Reality*, Civilized Dialogue, Issue 1600, 13/7/2006.

¹⁵ Agnès Gautier, *La responsabilité de protéger*, Revue Bantou, No. 1, 2013, p. 20.

¹⁶ Agnès Gautier, *Op. cit.*, p. 28.

¹⁷ Ala Fouad, *Law of Armed Conflicts, International Humanitarian Law*, Dar Al-Mu'allif, Cairo, 2004, p. 248.

¹⁸ Fatima Ali Khalifa, *International Humanitarian Law and UN Forces*.

¹⁹ Qali Ahmed, *Peacekeeping Forces in Light of International Developments*, PhD Thesis, University of Tizi Ouzou, p. 115.

²⁰ Qali Ahmed, *Op. cit.*, p. 222.

²¹ Nahed Talas, *The UN Between Crisis and Definition*, Talas Publishing House, Damascus, 1996, p. 26.

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