

M.M. Nykyforuk, PhD student
(National Aviation University, Ukraine)

The Impact of UN Peacekeeping Operations on the Formation of Modern Norms of International Humanitarian Law

The report analyzes the evolution of UN peacekeeping operations and their impact on the development of international humanitarian law. It examines the key stages of the formation of peacekeeping missions, their legal basis and contribution to the protection of human rights and peacekeeping in conflict zones.

UN peacekeeping operations

United Nations (UN) peacekeeping operations are a key tool for maintaining international peace and security. Peacekeeping operations emerged in the mid-20th century as a response to global conflicts and have evolved along with changes in international relations and the nature of conflicts. The influence of international humanitarian law (IHL) on this development cannot be overestimated, as it has contributed to the strengthening of the law in armed conflict. This report examines the stages of evolution of UN peacekeeping missions, their main objectives and impact on the formation and implementation of IHL.

The UN Charter places the primary responsibility for the maintenance of international peace and security on the UN Security Council, which has the power to investigate whether disputes between parties to a conflict affect international peace and security; to demand that the parties to the conflict settle the dispute through peaceful negotiations; to impose economic, diplomatic and practical sanctions; and, finally, to have a wide range of powers to authorize the use of military force [1, p. 5].

In other cases, when direct United Nations intervention is deemed inappropriate or impractical, the Security Council may authorize regional or other international organizations, such as the European Union (EU), the African Union (AU), the North Atlantic Treaty Organization (NATO), the Economic Community of West African States (ECOWAS), or the League of Nations, to perform specific peacekeeping or peace enforcement functions.

As the events of recent years have shown, the issue of peacekeeping, or rather the training and use of peacekeeping forces in the interests of civilization, is increasingly present in the national consciousness of almost every country in the world today. Peacekeeping forces are a collective term for global and regional policy actors whose activities are aimed at strengthening peace and security, eliminating or limiting interstate, ethnic, religious and other conflicts and contradictions, and demilitarizing national consciousness.

According to military and political practice, the most effective peacekeeping forces of our time are specialized UN organizations - observer missions and peacekeeping forces that carry out measures and actions determined by the General Assembly or the Security Council to maintain or restore international peace and security [2, p. 122].

The main form in which they fulfill their functional responsibilities is peacekeeping operations (PKOs), which are expressed in the form of direct demonstrations, blockades, withdrawal of parties to the conflict from their territory and armed peacekeeping measures, as well as air, sea and land forces of UN member states that provide the Security Council with the necessary forces, means of assistance and logistics, including the right to transit through their territory in accordance with special agreements. There are also the following activities

Evolution of UN peacekeeping operations

After the creation of the United Nations in 1945, the world faced new challenges, one of the most important of which was the prevention of military conflicts. The first peacekeeping operation was launched in 1948, but its mandate was limited. Its purpose was to monitor and control the implementation of the armistice in Palestine and elsewhere. In the early stages, the UN acted in accordance with the principle of neutrality and intervened in conflicts only in support of already signed agreements.

However, when protracted conflicts such as the Korean War and conflicts in Africa became more frequent in the world, the UN began to expand its peacekeeping mandate. In the early 1990s, as the number of civil wars and human rights violations increased, UN peacekeeping operations became more comprehensive, including humanitarian assistance, law enforcement, civilian protection, and disarmament.

Starting as a temporary monitoring mission, UN peacekeeping operations have evolved into a large-scale peace and security project that has been going on for more than half a century. Despite setbacks and victories, peacekeeping has proven its necessity. Peacekeeping has become a unique example of global cooperation between key UN bodies, such as the General Assembly, the Security Council and the Secretariat, as well as between states providing military and police forces and states hosting missions [3, p. 426].

Since 1948, from the first observation missions to multilateral and multifunctional peacebuilding missions, UN peacekeeping has evolved significantly and become much more effective, but problems such as the legitimacy of UN missions and human rights violations still remain. The process of reforming UN peacekeeping operations is still ongoing.

Today, the United Nations⁴⁶ is at a new stage of its development. Having emerged from half a century of conflict, the United Nations has fulfilled the goal declared in its Charter as a primary task: "to save succeeding generations from the scourge of war" [4]. Today, especially against the backdrop of events in the Middle East and Ukraine, this issue is more relevant than ever. It is about whether the international community will be able to use the instrument of international law in these difficult times to take steps towards reconciliation of the warring parties and bring the peoples the much-needed peace.

Legal basis of peacekeeping operations

UN peacekeeping operations are based on the UN Charter, in particular Chapters 6, 7 and 8. According to these chapters, the UN is authorized to act both through the peaceful settlement of conflicts (Chapter 6) and through collective

measures to restore peace and security (Chapter 7). In the case of internal conflicts, such as in Rwanda and Yugoslavia, the mandate of peacekeeping missions has been expanded to include armed intervention to protect civilians.

It should be noted that peacekeeping operations are conducted on the basis of agreements with all parties to the conflict and are aimed at achieving long-term peace through political dialogue. At the same time, while the principle of non-interference remains fundamental, its application is more flexible, especially in the case of serious human rights violations.

The impact of peacekeeping operations on international humanitarian law

International humanitarian law, in accordance with the Geneva Conventions and Additional Protocols, establishes the basic principles of protection of persons who did not take part in hostilities and persons who ceased to take part in hostilities. UN peacekeeping operations have made a significant contribution to the development and strengthening of these norms in conflict zones.

For Ukrainian society, this question is not rhetorical, but quite real. The armed conflict in eastern Ukraine over the past two years has caused pain and suffering to both sides of the conflict, especially to the civilian population. We have learned from the media that the Ukrainian government is making every effort to end the violence and put the country back on a normal path of development. Recently, the Ukrainian government has been increasingly proposing the deployment of international peacekeepers (18,000 to 20,000 according to various sources) to separate the conflicting forces and restart the process of restoring constitutional order in these regions" [5, c. 5].

[5, c. 189].

First, UN operations provide a platform for humanitarian interventions, including protection of civilians, humanitarian assistance and demobilization. For example, in the missions in Rwanda, Kosovo and Sierra Leone, peacekeepers not only provided security, but also participated in the process of restoring law and order and contributed to the restoration of justice.

Second, UN peacekeeping operations have developed the concept of the Responsibility to Protect (R2P). This concept envisages international intervention in the event of large-scale human rights violations, such as genocide or ethnic cleansing. Although this principle remains controversial, elements of it have been used in UN peacekeeping missions, particularly in Sudan and Libya.

Thirdly, the beginning of peacekeeping operations gave impetus to the strengthening of IHL norms in international courts. The work of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda confirmed the importance of prosecuting violations of IHL, especially during armed conflicts.

Problems and challenges

Despite the positive impact of peacekeeping operations on the development of IHL, many challenges remain. The main problems include a lack of funding, a lack of common political will among UN member states and difficulties in coordinating with

local governments and other international organizations. In addition, not all peacekeeping operations are successful. As the examples of Rwanda and Srebrenica show, the lack of a quick and effective response can lead to large-scale civilian casualties.

Another problem is the legal regulation of peacekeepers' activities. In many cases, the issue concerns the legal status of peacekeepers and their liability for human rights violations. The fact that peacekeepers generally enjoy immunity from prosecution raises questions about their accountability in the event of violations.

Conclusion.

UN peacekeeping operations are an important element of the international security and legal order. They not only ensure stability in conflict zones, but also contribute to the strengthening of international humanitarian law by protecting the rights of civilians, fighting impunity, and building justice institutions. Despite the existing problems and challenges, the UN continues to adapt its operations to the changing global context, making a significant contribution to the development of IHL and the protection of human rights.

References

1. Bani-Nasser Fadi, Greenenko O.O. UN Peacekeeping Operations: Theory and Practice. URL: <https://vmv.kymu.edu.ua/series/vipusk11-10/2.pdf> (accessed September 19, 2024).
2. Hohoscha O. Formation of the concept and principles of UN peacekeeping. Bulletin of Lviv University. Series of International Relations. 2012. Issue 30. C. 121-127.
3. Zhukorska Y.M. History of the emergence and formation of the UN peacekeeping activity. Legal system of Ukraine and international law, comparative jurisprudence. Journal of Kyiv University of Law, №4. 2020. C. 423-427.
4. The Charter of the United Nations. San Francisco. June 26. 1945.
5. Treatment of persons detained during peacekeeping operations. Bulletin of V. N. Karazin Kharkiv National University, Series "Law". Issue 22. 2016.