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**“CONTEMPLATING DIPLOMATIC FRACTURES WHILE
BREAKING THE CYCLE OF SOCIOPOLITICAL INJUSTICE
AND APATHY”**



**Developing Legal Mechanisms to Prosecute Crimes
Committed by Peacekeepers**

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President Chair

Committee: LEGAL (GA6)

Issue: Developing Legal Mechanisms to Prosecute Crimes Committed by Peacekeepers

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Position: President Chair

Introduction

The Legal Committee also known as C6 was established by the United Nations as the 6th Committee of the General Assembly in accordance with the UN Charter and is responsible of tackling questions of legal affairs. Hence it is responsible of responding to and resolving legal questions and issues that arise within the internal system of United Nations as well, such as in the case of the crisis concerning the Peacekeepers. The UN Peacekeepers are an ad hoc deployed army of individuals enlisted from all member states whose purpose is to protect and re-establish peace in conflict areas. There has arose incidents reported by many and diverse sources claiming a vast number of individuals within the Blue Berets have engaged in criminal activity, especially abuse and assault towards civilians. As these reports have been considered and verified by the UN, the organization is now searching for methods of prosecuting crime committed by Peacekeepers.

Definition of Key Terms

Peacekeepers: The United Nations Peacekeeping Forces, often regarded as Peacekeepers or Blue Berets, are the military, police, and civilians deployed from all members states of the UN whose duty is to observe, monitor, and intervene if found necessary in conflict areas for the sake of re-establishing peace as an unbiased third party.

General Overview

As the United Nations in a non-state actor of global politics and is not a sovereign, it does not possess the legitimate power to establish a military force of its own and intervene in armed

conflict. In accordance with these facts, the United Nations Peacekeeping Forces is not a fixed army and instead established for each operation and aims only to protect and re-establish peace in the conflict area as opposed to military/armed intervention –which was been the reason it has been awarded the Nobel Prize for Peace in 1988. Although the majority of individuals taking part in the Peacekeeping Forces derive from the military or police forces of their country of origin, it is also possible to apply and enlist as a civilian which has begat concerns regarding whether or not these participants have gone through sufficient background checks and training to provide a legitimate service. Similarly, recent claims and overall concerns bore suspicions regarding the framework and accountability procedures of initiatives taken by the forces.

The crimes committed towards civilians by Peacekeeping Forces were first exposed during early 2000s when the United Nations received heavy and consistent reports of sexual exploitation and abuse allegedly committed by members of the force in 2004 particularly in Haiti, Sierra Leone, and DRC. The UN issued a report detailing the abuse in the same year, acknowledging the misconduct. Simultaneously, a New York Times investigation uncovered and brought attention to an ongoing case of peacekeepers engaging in sexual exploitation with pre-pubescent children in exchange of vital resources in various countries including Morocco, Bangladesh, and Nepal. In the following year the Office of Internal Oversight Services published a report officially acknowledging the misconduct and called for a reform. However, two years later in 2007 a series of incidents became known as “The Haitian Scandal” as similar cases of sexual abuse were reported and the cholera outbreak that infected to the area from the UN Peacekeepers exposed that the army did not go through and health and vaccination checks prior to being drafted and caused certain groups to suspect biological warfare.

Issues persisted and were essentially overlooked until 2017 when Secretary General Antionio Guterres first started serving the position and made it an immediate point to resolve the internal struggles and misconduct of the United Nations including the crimes committed by the Peacekeeping Forces. Attempts of resolutions are currently ongoing.

Legal Mechanisms in this context refers to the frameworks of accountability and jurisdiction systems made use by the United Nations. Being an international organization, the United Nations makes use of international law and decisions agreed upon in conventions to construct its legal mechanisms. Every action to be taken in legal matters are to be in full accordance with the United Nations Charter and other documents such as the Universal Declaration of Human Rights or the Geneva Convention if related. Jurisdiction in the United Nations include various outlets including but not limited to the ICC (International Criminal Court) for personal actors and ICJ (International Court of Justice) for state actors. The United Nations also cooperates with national courts and supreme courts for a better comprehension and a more legitimized control over the area.

Possible Solutions

Possible solutions to a crisis of such would include a sort of reform on the methods the personnel are monitored and judged, perhaps via a stronger division of the troops system.

In the more formal solutions sense, heightened control over the registration systems and uniform protocol would facilitate court cases to reach a more clear and less contestable decisions.

Pre-existing jurisdictional institutions could be extended into taking care of more and smaller cases and new, specialized courts could be established.

Conclusion

In conclusion, while essential to execute the peacekeeping decisions taken by the United Nations, the peacekeeping forces have officially been acknowledged to have engaged in misconduct. In this case the United Nations General Assembly Committee 6 of Legal Affairs is responsible of establishing an arrangement to take care of the legal aspects of resolving the crisis.

Bibliography

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