

## Settlement of International Disputes Through Peacekeeping Operations

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**Abstract:** United Nations (UN) peacekeeping missions help conflict-torn countries preserve peace and security, restructure judicial and police systems, uphold the rule of law, and repatriate refugees. These forces aim to prevent war crimes and genocide. It works independently of international or internal turmoil. Our research will examine how these operations resolve international armed conflicts. Peacekeeping forces are UN and Security Council-affiliated military and police units that restore peace to conflict-torn nations. Even though they kill many people, they are the UN's most effective tool for helping countries. After World War II, blue beret peacekeeping forces were formed in 1948 to supervise the Middle East truce. After that, they worked to implement peace agreements, improve the rule of law, promote human rights, and promote security and stability. This study examines the evolving roles and expanded tasks of peacekeeping troops, as well as their rapid shift from traditional peacekeeping and security to multidimensional peacekeeping. It also examines the legal foundations of peacekeeping troops and the UN authorities' capabilities to organize and supervise them.

**Keywords:** United Nations (UN); Peacekeeping Forces; Security Council; Peace Agreements; Peacekeeping Operations; Legal Foundations; Human Rights; Reforming Judicial.

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### 1. Introduction

In 1948, the United Nations launched its first peacekeeping operations by deploying military observers to the Middle East, a deployment authorized by the Security Council. The United Nations Truce Supervision Organization was established for this mission, which monitored the armistice agreement between Israel and the Arabs. The United Nations was established to prevent another world war following the failure of the League of Nations. The organization's primary goal is to maintain international peace and security, as stated in the United Nations Charter, with the intention of saving future generations from the horrors of war, as noted by the UN in 2023. The United Nations strives to achieve this goal by taking effective measures to prevent threats to international peace and security, remove such threats, and suppress acts of aggression [10]. The United Nations Security Council is the most crucial organ of the United Nations, responsible for ensuring international peace and security with the agreement of its permanent members [1]. The Security Council is entrusted with the primary responsibility of maintaining

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international peace and security. It has the authority to take measures to that effect without the oversight or mandate of any other international organization or grouping [12].

The United Nations has established a collective security system to maintain international peace and security, grounded in the principles and rules outlined in the UN Charter. However, the effectiveness of the system was hindered by the Cold War and the difficulty of achieving unanimity among the Security Council's permanent members. To address this issue, the United Nations has developed alternative mechanisms, including strengthening the role of the General Assembly in maintaining peace and establishing peacekeeping operations to halt armed conflicts. These operations have evolved into a tool for mitigating international armed conflicts, particularly when the Security Council is unable to take forceful action due to the use of vetoes. Despite the provisions in the Charter, a gap exists between the intended arrangements and their implementation.

## **2. The Concept of International Peacekeeping Forces and the Organizations that Support**

### **2.1. The origins and Concept of "peacekeeping" Forces**

The Charter of the United Nations did not contain an explicit reference to the Concept of peacekeeping. However, peacekeeping operations emerged as a response to the specific needs of the international community at a particular point in time. As a result, peacekeeping first emerged as a practice, and then it was formalized and crystallized as a concept, with a legal basis sought for it. The peacekeeping undertaken by the United Nations since 1948 began with the deployment of unarmed military observers in the Middle East. The mission was to monitor the Armistice Agreement between Israel and the Arabs, and the United Nations Military Observers Group in India and Pakistan in August 1947. They were the first two missions of the United Nations, except for the emergency forces that separated Egypt and Israel and withdrew after the signing of the peace treaty in 1979. These two missions exemplified the nature of surveillance and monitoring that characterized the first operations, and their mandate did not exceed several hundred individuals.

However, the actual start of the peacekeeping system came after the British, French, and Israeli aggression against Egypt in 1956. This crisis and the international organization's dealings with it resulted in the formulation of the Concept of "peacekeeping." By this, it means, "deploying military forces belonging to the United Nations in the conflict zone, to assist in the implementation of the agreements reached between the parties to the conflict, with the consent of these parties." It was known as the First United Nations Emergency Force (UNEF1). At that time, three main principles were identified that regulated the work of the United Nations peacekeeping forces. These principles then became the basic pillars of peacekeeping operations during the Cold War, also known as the first generation of peacekeeping, or traditional peacekeeping. These principles are:

- The consent of the parties concerned is required, so it is not possible to establish or deploy United Nations peacekeeping forces if any of the parties to the conflict do not agree, especially those on whose territory the forces will operate.
- The neutrality of the United Nations forces, so that the policies, attitudes, and behavior of peacekeeping operations do not aim to achieve the interests of any of the parties to the conflict at the expense of the other.
- Not to resort to force on the part of the United Nations except in cases of self-defense.

What was meant by "peacekeeping" during the Cold War period was a specific type of international activity that involved the political and military control of the United Nations over conflicts, with the consent of the parties involved. This was done through politically neutral mechanisms that did not rely on the use of force except in cases of self-defense. Initially, it was identified as two types: monitoring missions and peacekeeping forces.

With the end of the Cold War, the international system underwent a series of changes that significantly impacted its structure, the nature of the balance of power within it, and the relationships between its key parties. These variables left their imprints on the United Nations' peacekeeping system, until it witnessed the birth of two, and then a third, generation of these operations, as some say. About the existence of a fourth generation of them, but it should be noted that the effects of these variables were not all pushing towards the development of the peacekeeping system, which achieved impressive successes as well as resounding failures in several regions of the world.

In this context, new concepts have emerged that intersect with the Concept of peacekeeping, allowing us now to discuss different types of United Nations peace operations. Developments in "peacekeeping" practices or operations have led to the emergence of a branching family of concepts and terms that describe the different nature of the operations and tasks they undertake, meaning that "peacekeeping" has become a general concept that requires sub-details that clarify the specific type of operations and what is meant in each specific case.

## 2.2. Distinguishing the Peacekeeping Forces from the Forces of the Collective Security System

Soldiers are trained to kill and destroy; warriors make their way by force to the locations assigned to them, while the peacekeeping mission is different from that, as it seeks to prevent others from killing and destroying. The keepers of the peace should be welcomed, and enter in small numbers and with light weapons, lest they appear to be conquerors or occupiers, so that the warriors always outnumber them. What is meant by collective security: "It is that the aggression that takes place against any country, no matter how small, is considered an assault on the international community as a whole." Hence, the responsibility to respond to or deter this aggression does not rest solely with the state that has been attacked. Still, rather it is a joint responsibility of the entire international community, as stated in Article (5) of the North Atlantic Treaty of 1949, which stipulates that the parties agree that any attack or armed aggression against one of them or several parties in Europe or North America is considered aggression against them all. The parties to the alliance as mentioned above agreed that, in the event of such previously mentioned armed aggression, each of them, in implementation of what was stated in Article 51 of the Charter of the United Nations regarding the right of self-defense for themselves, individually or collectively, shall provide support and assistance for the party or parties that are under attack, to take self-measures, and in cooperation with other parties, without delay.

Collective security measures are based on the Charter of the United Nations, which empowers the Security Council to examine any dispute or situation that may endanger international peace and security and to grant it the power to settle it by peaceful means and to take temporary measures, such as a ceasefire order, as well as measures that do not require the use of military force, as well as the authority to use military force through the air, sea, and land forces that it has. Articles (42) and (43) of the Charter of the United Nations obligated states to place at the disposal of the Security Council the necessary forces, aid, and facilities, which enable the Council to perform its tasks when it decides to use armed forces. Even though both the collective security forces and the international peacekeeping forces are affiliated with the United Nations and aim to maintain international peace and security, they differ in the following matters:

- The collective security forces serve as deterrent forces, working to deter aggressors and protect against aggression. The international peacekeeping forces work to calm the situation in the areas to which they are sent, and to create conditions for resolving differences between the conflicting parties by monitoring the ceasefire, providing humanitarian aid, supervising elections, and supporting the rule of law [16].
- The collective security forces are permanent, non-special forces that are deployed to resolve a conflict in a particular area. In contrast, international peacekeeping forces are temporary and are formed for each specific case, as seen in the three operations of the international peacekeeping forces in East Timor. The first operation was carried out for the period (10/25/1999-20/5/2002), the second operation was carried out for the period (20/5/2002-20/5/2005), and the third operation was carried out for the period (25/8/2006-31/12/2012).
- The collective security forces are under the command of the United Nations War Staff Committee. In contrast, the international peacekeeping forces are under the command of the United Nations Secretary-General.
- The consent of the parties to the conflict is a prerequisite for the work of international peacekeeping forces. In contrast, collective security forces proceed with their work when there is a threat to international peace and security, and do not require the consent of the conflicting parties.

## 2.3. Distinguishing Peacekeeping Forces from Military Alliances

Dr. Boutros Ghali defined a military alliance as "a contractual relationship between two or more states in which they undertake mutual assistance in the event of war." Thus, both military alliances and international peacekeeping forces require the approval of states for their work, but they differ in the following aspects:

- Military alliances prioritize military operations as a means to achieve their objectives. At the same time, international peacekeeping forces work to resolve conflicts through implementing peace agreements, maintaining security, protecting human rights, observing elections, and other peaceful methods [4].
- Military alliances aim to protect the peace and security of their member states, while international peacekeeping forces aim to maintain global peace and security in all countries. Therefore, the international peacekeeping forces of the United Nations differ from the multinational forces, which are formed outside the United Nations Organization and consist of the armed forces of a specific group of countries.
- The forces, as mentioned above, are deployed in the host country's territory at its request, as seen in the forces formed according to the Camp David Accords of 1979 between Egypt and Israel, which aimed to maintain security in the Sinai region after Israel's withdrawal. The Security Council failed to form a United Nations peacekeeping mission [25].

## 2.4. International and Non-International Armed Conflicts

The internal armed conflict is similar to other types of conflicts, such as international conflicts and internal disturbances and tensions. One of the parties to the conflict, whether internal or international, is a person of public international law, but the difference between them can be summarized as follows:

- International conflicts involve two or more countries, whereas internal armed conflicts occur within a single country.
- International conflicts pose a direct threat to international peace and security from the moment they arise. In contrast, the effects of internal armed conflicts are often less severe and do not directly threaten international peace and security. However, the effects of internal armed conflicts have sometimes outweighed those of international conflicts [3].
- Internal conflicts can be distinguished from internal disturbances and tensions, as internal tensions are a state of political or social anxiety. This anxiety is expressed through demonstrations and conferences against public authority. It may be in the form of mobilization on the part of ethnic, political, or religious groups or groups within the state against each other, outside the framework of constitutional rules.
- Internal disturbances are considered the next stage of internal tensions, as they manifest in the form of random or irregular use of force and are not linked to a specific organization with the intent of destabilizing internal stability and security. These disturbances are addressed through internal authorities, with the possibility of police intervention and some affiliated army units.
- Internal tensions and disturbances are similar to the stage preceding internal armed conflicts, as they occur within a single country and pose a threat to it. Internal armed disturbances and conflicts encompass acts of violence in which force is used against the ruling authority or the rebel groups themselves. Internal tensions differ from internal armed conflicts in that they do not involve the use of armed force. Internal tensions are limited to civil resistance only, while armed forces are used in internal armed conflicts.

However, in the case of internal unrest, the use of armed force is indiscriminate and unorganized. At the same time, it is organized and under responsible leadership in internal armed conflicts, which makes it last for a longer period compared to internal unrest and tensions. When the United Nations forms a peacekeeping operation to settle a specific internal dispute, it has several means that enable it to perform the function assigned to it, and the legal basis for its formation has raised a disagreement among researchers in international law, in addition to the presence of several obstacles that impede its work. The primary objective of peacekeeping operations in non-international armed conflicts is to achieve security, peace, and national reconciliation, as well as to establish a government that represents the people and is capable of governing the state. This goal cannot be achieved solely through the provision of military aid; fair elections must also be organized, national reconciliation must be conducted, and the rule of law must be supported. International peacekeeping forces resolve internal armed conflicts through their military, diplomatic, and social functions.

Mrs. Madeleine Albright, the US ambassador to the United Nations, stated that the mission of "building the state" will be part of the United Nations' efforts in the peacekeeping mission and the new role of US forces in Somalia. The objectives of the Somalia mission were classified as "restore hope," based on the speech of President George Bush. However, after US President Bill Clinton assumed the presidency, he adopted a policy of promoting international peace through the United Nations, and the task shifted to building peace. This effort aimed to help Somalia establish its national and regional institutions and civil administration. Given the change in the mission and rules of engagement, it was useless for the US ambassador to Kenya, Smith Hampston, to question his assessment of the wisdom of the US intervention in Somalia in October 1992, when he said, "If you loved Beirut, you will love Mogadishu."

The Canadian General "Ian Douglas" commented that the mission of the peacekeeping forces is to remain neutral between the conflicting parties, and the only military action is self-defense, "because the first offensive bullet will push the mission to failure." The first offensive bullet in Somalia not only stopped Operation "Restoring Hope" in Somalia but also turned the peacekeeping forces into part of the Somali problem. The US Ambassador to the United Nations stated that the new UN policy regarding peacekeeping missions is "building the nation," despite clearly ignoring the warnings that were not expected or required by the US State Department on this subject. Somalia made that catastrophic mistake, so the militia of warlord Muhammad Farah Aideed attacked the Pakistani peacekeeping forces, killing fourteen soldiers.

## 2.5. Components of Peacekeeping Operations

Peacekeeping operations can involve both civilian and military personnel. The civilian component represents the civil administration of peacekeeping operations, and, as a general rule, the Secretary-General appoints members of this administration from among the United Nations staff present. The civil component organizes staff, experts, and election observers for organization, management, and verification. It also includes workers within humanitarian agencies, specialists in

civil affairs, contacts, and those responsible for monitoring human rights. Conditions for the service of local staff are set in coordination with the operation commander. The military component, which includes military observers, comes later. It consists of observer missions, which are led by unarmed officers responsible for monitoring the ceasefire, verifying the withdrawal of forces, patrolling borders, and detecting any violations. However, their work is devoid of any armed operation. After that, they submit reports to the United Nations periodically to take necessary measures.

The peacekeeping forces are composed of lightly armed units that are authorized for use only in cases of self-defense. They work to monitor conflict situations that may arise and assist the conflicting parties in implementing peace agreements. Examples of this are peacekeeping forces in Congo, Somalia, and Angola, which have Moroccan participation. The civil police remain and undertake the task of supervising the work of the local police to maintain security and respect for human rights, which requires the approval of the host country for their presence.

### **3. The Legal Framework for Peacekeeping Forces and the Difficulties**

#### **3.1. The Legitimacy of Peacekeeping Forces**

Peacekeeping operations are a key activity of the United Nations in maintaining international peace and security. However, their deployment in a country raises numerous legal issues, particularly given the diverse characteristics of peacekeeping operations as a whole. Therefore, defining the legal regime of international forces becomes an issue that requires clarification. In this section, we will attempt to define the legal framework for peacekeeping operations by examining their legal basis and the international immunities afforded to these forces. Views on the legal nature of international peacekeeping operations differ among international law experts. The absence of an explicit reference in the United Nations Charter regarding international peace forces has caused controversy. Since the United Nations organs, represented by the Security Council and the General Assembly, have international legitimacy in issuing resolutions and recommendations for these forces, they inevitably derive their legitimacy from the core provisions of the Charter of the United Nations and the legitimacy of these two organs [19].

Legalists argue that the Security Council's responsibility for establishing international peacekeeping forces is derived from Article 24 of the United Nations Charter, which entrusts the Security Council with the task of maintaining international peace and security. Article 33 of the same Charter gives the Security Council the right to adopt peaceful means and procedures to settle international disputes. Another trend holds that peacekeeping operations are based on certain provisions of Chapter VII of the Charter, as Articles 40-41-42 are considered a legal basis for the establishment of these forces. Another group argues that peacekeeping operations do not fall under the sixth or seventh chapters, but rather within a separate chapter that stipulates these forces are distinguished from repressive operations in that they enter the territory of the state concerned with the consent of that state. They also act as separating forces between the disputants in the conflict, whether international or civil. Meanwhile, a third party argues that peacekeeping forces are considered a secondary organ, assisting the Security Council in performing its duties, as per Article 29, which states that the Security Council may establish what it deems necessary to fulfill its functions.

The role of the General Assembly in establishing peacekeeping forces is the subject of dispute among jurists, who debate the legal basis and authority for such action. One view suggests that the establishment of these forces falls within the General Assembly's authority to create subsidiary organs as outlined in Article 22 of the UN Charter. Another opinion is that the Union for Peace resolution authorizes the General Assembly to replace the Security Council in maintaining international peace and security. However, the International Court of Justice, in a ruling on July 20, 1962, held that the establishment of peacekeeping forces is within the competence of the Security Council and that the General Assembly's authority is limited [22].

Regarding immunities and privileges for international peacekeeping forces, observers have immunities under the Convention on Immunities and Privileges for United Nations Staff, and the UN may request additional protection for them, including immunity from arrest or detention. International peacekeeping forces are granted immunities and privileges necessary for carrying out their functions, including freedom of movement and communication. The commander of these forces enjoys the same immunities as the Secretary-General of the United Nations. Officers of participating units are entitled to immunities and privileges as stipulated in Article 6 of the Convention. Members of the international peacekeeping forces have criminal immunities, exempting them from the jurisdiction of the host country's courts, but only for actions carried out during official missions. The Secretary-General may waive immunities in cases where they impede the pursuit of justice. The agreement concluded between the country providing the forces, the Secretary-General of the United Nations, and the host country supports the immunities and privileges enjoyed by the international peacekeeping forces [23].

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### **3.3. Principles of Peacekeeping Operations**

United Nations peacekeeping operations have been in existence for more than sixty years, based on fundamental principles that have been consistently applied to constitute one of the primary tools of the organization in maintaining international peace and security. Peacekeeping operations encompass several components, comprising both civilian and military elements. The first paragraph of the Charter governs peacekeeping operations, and since the establishment of the United Nations Organization, several principles have been applied. Since 1956, these principles have been considered the most fundamental elements of peacekeeping, which, in their entirety, form the United Nations' compass for maintaining international peace. These principles can be summarized as follows: the consent of all parties, impartiality, and non-use of arms except in cases of self-defense.

The consent of the host country for the peacekeeping forces is considered an essential element in the theory of peacekeeping. The deployment of United Nations forces takes place only with the consent of the main parties to the conflict, as the principle of sovereignty and its ramifications, including respect for territorial integrity, protect any country from the entry of foreign military forces. The importance of this is evident, as states do not accept anything that compromises the presence of foreign military forces on their lands. The acceptance and approval of the participating parties are necessary for the success of the mission and for ensuring the cooperation of the relevant parties [17]. A special report prepared by the Secretary-General of the United Nations on May 18, 1967, clarified the importance of sovereignty. "The consent of the country that hosts international peacekeeping forces is a basic rule applied in peacekeeping operations" (Egypt as a model). In internal conflicts, peacekeeping forces must enjoy the approval of the leaders of the parties to the armed conflict who represent the people or part of it, as well as the approval of the authorities representing the state. Otherwise, the process may not receive all the necessary cooperation for its success, as was the case with Somalia.

Neutrality is imposed in these cases, becoming a fundamental principle for preserving the agreement and cooperation among the main parties to the conflict. According to "Jarat Chopra," the head of the International Bureau for the Preservation of Peace in 1998, objectivity is the means through which the operations are carried out, rather than submitting to the desires of the participating parties. Without it, peacekeeping operations cannot succeed or gain the confidence of the two parties. Therefore, its work must be characterized by clarity and transparency, and all lines of communication must remain open among all participating parties [7]. Abandoning the principle of neutrality, whether intentionally or unintentionally, means that the peacekeeping forces can become an enemy of the participating parties, as the first bullet fired by the peacekeeping forces can lead to the mission's failure. The danger arises when one of the parties to the conflict places obstacles and hindrances in front of the peacekeeping forces, preventing them from achieving their goals and objectives. The international peacekeeping forces do not possess military power based on the operations they carry out, which are based on the consent of the parties to the conflict. They do not aim to favor one side over another in the field, and they are not a tool to impose peace. They are equipped with defensive weapons, which are lightweight and can only be used in self-defense.

### **3.4. Experience of Peacekeeping Operations**

Morocco's participation in the peace process in the Congo was at the request of the United Nations. It was based on Morocco's constant endeavor to be present in various regions of the world to help bring about world peace under the banner of the United Nations, while avoiding participation in conflicts of a military nature to preserve its distinguished relations with all parties to the conflict, and in line with its call to give priority to the logic of dialogue and a peaceful solution over the option of resorting to the use of force. After the Belgian forces left the country without preparing it to run its affairs in light of its lack of specialized personnel:

- The newly independent Congo lacked an administration, a judicial system, and forces to maintain order, which contributed to the outbreak of chaos and the emergence of several separatist movements, such as the movement to secede the Katanga region led by Moïse Tshombe under the watch of the United Nations in Congo [8].
- Morocco quickly responded to the call of the United Nations according to this Resolution and sent a military battalion, infantry and paratroopers, and a civilian mission headed by “Mohamed Boucetta” consisting of dozens of specialized elements, doctors, engineers, and administrators, to run the Department of Public Works, Post, Public Health, Justice, Public Administration, and others [11].
- The number of Moroccan battalions reached about 4000 men, including non-commissioned officers, soldiers, and gendarmes. They were under the command of General "Hamou El Kettani," who was appointed successor to the head of the United Nations General Command, taking into account the Moroccan initiative that sought to preserve peace at the African level.
- Moroccan forces were deployed throughout the Congo, and their concern was to contact the rebel soldiers and return them to their barracks, disarm them, and protect factories and farms. They were also assigned the task of organizing the Congolese forces, organizing the Ministry of Defense, and the Chief of Staff of the War. Moroccan officers also reorganized the Congolese police in one of the regions [13].
- Moroccan soldiers encouraged contractors and factory owners to resume their work. Thus, the preliminary research for the construction of the Anika Dam was resumed. The Boma port on the Congo River was reopened, which led the United Nations High Command to express its admiration and commend Morocco for its efforts to rebuild the port in the Congo. It withdrew from Morocco alongside the UN forces on June 30, 1964.
- Morocco's participation in the United Nations Mission to Somalia lasted from April 1992 to March 1995. This period began with the fall of the Siad Barre regime in January 1991, which led to conflict erupting in Somalia and a fierce civil war breaking out, initially centered in Mogadishu and later spreading throughout the country.
- The humanitarian situation deteriorated after the disappearance of the Somali state. The Security Council issued Resolution 751 on April 24, 1992. As a result, the first United Nations operation in Somalia was formed. It began to deploy on April 28, 1992, to monitor the cessation of battles between the conflicting parties in the country.

However, this did not prevent the continuation of the armed operations, which hindered the relief distribution operations for the Somalis. Accordingly, the Security Council issued Resolution (794), which authorized the multinational forces that led the first regiments, the task of establishing a safe atmosphere for humanitarian relief operations within the framework of what is called operations Restoration of Hope, which later transformed into O - A Moroccan battalion, estimated at 1,250 blue berets, went to Somalia on December 16, 1992. It was called Operation Restore Hope, and it included two medical staff members with the necessary equipment, as well as a mobile hospital featuring specialists in the fields of nutrition, nutritional prevention, and pediatrics, where approximately 30,000 people were treated. A Somali person and the Moroccan forces were entrusted with the responsibility of protecting the air base, which housed approximately 20 United Nations helicopters, and they contributed to establishing a school. The Moroccan Division played a double role in Somalia. In addition to its contribution to enabling humanitarian organizations to carry out rescue operations, it also provided important humanitarian aid to the Somali people, who left a positive impression on them after returning to their homeland in April 1994.

### **3.5. The Moroccan Contribution to the United Nations Mission of Inquiry in Angola**

On December 20, 1998, the Security Council approved Resolution (626), which established UNAVEM I with the primary mission of supervising the withdrawal of Cuban forces from Angola according to a detailed timetable agreed upon by the parties to the conflict and the United Nations. Morocco decided to participate in the United Nations Mission to Angola, commencing in May 1991, by contributing 15 military observers and 11 civilian police officers. With the signing of the Lusaka Protocol on November 20, 1994, the Security Council issued Resolution 976 on February 8, 1995, which established UNAVEM II. This mission aimed to implement the Lusaka Protocol, monitor the ceasefire, facilitate national reconciliation and humanitarian assistance, and oversee the electoral process. The mission ended in 1997.

While not all peacekeeping operations ended peacefully, such as the case of sexual assaults on underage girls in the Congo involving some members of the United Nations Mission, the competent authorities in the soldiers' countries have taken the necessary measures following the law to preserve peace. However, this does not negate the noble mission of the 47 countries participating in the United Nations peacekeeping mission in the Democratic Republic of Congo, which aims to restore security and stability in the country [24].

### **3.6. Obstacles to Peacekeeping Operations in Settling Internal Armed Conflicts**

International peacekeeping forces face several obstacles that impede their ability to settle internal armed conflicts. These obstacles include financial constraints, crimes committed by some members, and the sovereignty of states. These issues can

partially or completely stop the activity of the peacekeeping forces, depending on the severity of the problem and the decision of the Security Council.

- Financial constraints: The financing of international peacekeeping operations is the collective responsibility of all United Nations members. Article 17 of the Charter obligates each member to pay their share of the costs of forming any operation. If a member refuses to pay, they are prevented from voting in the General Assembly.
- The General Assembly establishes a budget to finance peacekeeping operations, with rates determined by the economic capacity of each state. The five permanent members of the Security Council contribute the most due to their special responsibilities for maintaining international peace and security [9].
- Funding peacekeeping forces is crucial for their success in performing tasks, as it enables them to obtain supplies, equipment, facilities, and salaries. With the increase and diversification of tasks, including security, administrative, humanitarian, and economic responsibilities, funding is becoming increasingly critical.
- The Soviet Union once refused to pay its financial dues for peacekeeping operations, resulting in a dispute that was ultimately resolved through an advisory opinion from the International Court of Justice. The Court obliged all member states to pay their financial contributions to all expenses of the organization, including peacekeeping operations.
- Major countries finance peacekeeping operations, making them vulnerable to the threat of withdrawing financial support in line with the interests of these countries, especially in light of the delays in some United Nations members paying their financial contributions to the organization.
- The Security Council cannot penalize any permanent member country for refusing to pay its contributions. There is a lack of financial independence for international peacekeeping operations from the main countries that finance them, and no program exists to support the independence of their financial budgets.
- The norms require that permanent member states not participate in peacekeeping forces, as peacekeeping operations aim to isolate conflicts to avoid escalation and the danger of a global conflict. These forces should be formed from neutral countries [14].
- France violated these norms by participating in the emergency forces in Lebanon in 1982. France justified its participation based on the traditional friendship between Lebanon and France.
- Iran's participation in the international forces in Lebanon ended in 1979 when its leaders announced that they considered their country to be one of the countries confronting Israel. Later, the Iranian government sent a few hundred Pasdarns (Guardians of the Revolution) to train Shiite fighters in Lebanon [18].
- The United Nations cannot consider Iran a neutral country that can participate in peacekeeping operations after becoming a party to the conflict.

### **3.7. Committing Crimes by Some Members of Peacekeeping Operations**

Committing crimes by some members of peacekeeping operations is a serious issue. Investigations have proven that some members of international peacekeeping operations committed sexual abuse in the Democratic Republic of the Congo in 2004 by having sex with underage girls in exchange for providing food or money. Additionally, some of them committed rape in Mali in 2013, in addition to killing 30 people and wounding 300 others in the Central African Republic in 2014. Claims have escalated, referring the perpetrators of these crimes to the judiciary of the country in which the crime occurred or to the International Criminal Court in The Hague. The peacekeeping forces sometimes resorted to arms against the militias, as happened with the Temporary International Forces operating in Lebanon on March 30, 1983, in the shooting incident of Dr. Khalil Qalush from the village of Yaroun at a checkpoint of these forces near the village of Ain Baal. The doctor was unarmed, but they shot him as a result of a dispute about the need for him to pass quickly at the checkpoint, which led to his death.

This matter raised the United States' concern about bringing its nationals participating in peacekeeping operations to trial, despite its refusal to accept the Court's jurisdiction under the Rome Statute of the International Criminal Court. It authorizes the President of the United States to use all necessary and appropriate means, even military ones, to free their soldiers and allies who are detained or imprisoned by the Court. As a result, this law has come to be called the Hague Invasion Law. The law, as mentioned above, prohibits the United States from participating in any United Nations peacekeeping force unless it obtains guarantees that its nationals will not be prosecuted in the countries on whose territory the force operates. The law also prohibits the provision of any military assistance to countries that ratify the Statute of the International Criminal Court, except for NATO and its allied countries that are not members of it.

The United States requested that the Security Council grant immunity to nationals of states not party to the Statute of the Court who are participating in peacekeeping operations, threatening to withdraw their participation in those operations and veto the Council's decisions regarding their formation. This confirms the demise of the system of balance of power between permanent states. Membership is aimed at advancing the interests of the countries with the greatest influence and preserving their powers and privileges over the rest of the countries. The Security Council responded to these pressures and issued several resolutions

granting immunity from the procedures of the International Criminal Court to nationals of countries not party to its statute who participated in peacekeeping operations in the State of Bosnia and Herzegovina, as outlined in Council Resolutions 1422 (2002) and 1487 (2003). The Council then granted immunity to the nationals of countries participating in peacekeeping operations in Liberia, Sudan, and Libya. This time, the immunity was against the judiciary of the International Criminal Court as well as against the national judiciary of any other country except for the country to which the accused belongs. This was done following Resolutions No. 1497 of 2003 on the situation in Liberia, 1593 of 2005 on the situation in Sudan, and 1970 of 2011 on Libya [20].

The Council's decisions to grant immunity expose members of the international peacekeeping forces to danger by sowing the seeds of hatred and inciting hatred against them, even before they commit any crime. This could lead to the expansion and continuation of conflicts, which inevitably violate and threaten international peace and security. It also hinders the work of the forces and makes them unwelcome. Additionally, granting immunity contributes to wasting justice and endangering human rights by not holding people accountable under the umbrella of July 3, 2002, the Secretary-General of the United Nations at the time sent a letter to the US Secretary of State, expressing his strong rejection of the American proposals that called for exempting its citizens from appearing before the International Criminal Court. Because it endangers the international peacekeeping forces, and before any member of the peacekeeping personnel commits the type of crimes that fall under the Court's jurisdiction, as per Article 5 of its statute. Hence, the issue raised by the United States in the Council is very unlikely.

The General Assembly of the United Nations is, in addition to the above, the body authorized to grant immunity to international peacekeeping forces by concluding treaties based on Article (105) of the Charter of the United Nations, and therefore the Council, by granting immunities to some of those forces, has infringed the competencies of the General Assembly, which makes these decisions illegal. We conclude from the foregoing that the commission of crimes by some members of the peacekeeping forces harms the work of the forces, as it generates a negative perception towards them and encourages reprisals against them [21]. The opposite may happen by committing crimes against the international peacekeeping forces, which diminishes their role and impedes them from performing their duties, as happened in the Qana massacre in 1996, when Israel bombed the UNIFIL command center in southern Lebanon after Lebanese civilians sought refuge in it to escape from the Israeli bombing. And that massacre resulted in the death of 106 Lebanese civilians and the wounding of 116 others, in addition to the wounding of 4 UNIFIL soldiers.

#### **4. Conclusion**

The interaction of United Nations member states with their external environment requires the use of a set of data, both internal and external, that overlap with each other to contribute to crystallizing the external behavior of each state. As long as interactions between states occur in accordance with international law, this does not preclude the logic of self-interest inherent in all international actors [2]. However, the lack of clarity in legal mechanisms and their increasing interpretation, as well as the political backgrounds within the Security Council, have become objective limits that limit the practice of some countries in the field of peacekeeping. These limitations intersect with a complex situation on the ground, whether in terms of management or guidance. The political power of major powers places smaller countries at a disadvantage, discouraging their participation in these processes. The absence of an explicit provision in the Charter of the United Nations regarding the establishment of peacekeeping forces, combined with the ambiguity that characterizes this Charter, has left the matter to the interpretation of jurists and specialists. Some believe that the establishment of peacekeeping forces falls within the Security Council's competence, as protecting international peace and security is among its primary goals. In contrast, others believe that the General Assembly is a competent authority to establish secondary organs to perform their functions [6].

Some countries remain committed to the Charter of the United Nations, despite its ambiguity, which may be the reason for their reluctance to participate in it. The absence of clear legal guarantees to accomplish the tasks entrusted to UN forces, coupled with the challenges in dealing with processes in which means and ends are confused, leads to confusion between Chapters VI and VII and some of the main principles of these operations. The United Nations Organization is not an independent actor on the international stage, as its authority is eroding, leaving room for the will of major powers, which negatively impacts the role of the United Nations in maintaining international peace and security, particularly in peacekeeping operations. This reality reveals several underlying factors driving the establishment of international peacekeeping operations, which extend to the countries that participate in them and are affected by the decisions of major powers in directing these operations.

Peacekeeping operations have experienced a qualitative leap since the beginning of the 1990s. However, this development requires a set of material and human inputs to carry out various tasks. The complexity of the tasks entrusted to UN peacekeeping units requires important logistical requirements, including weapons, means of communication, and sources of supply. Therefore, the challenges facing UN missions highlight their limited equipment to carry out their tasks. The financial challenges facing peacekeeping operations remain overshadowed by the forces participating in peacekeeping operations, as well as the competence of the participating human element and their scientific and legal knowledge. In the face of this reality, smaller

countries often find themselves in the field of peacekeeping, facing two options: adhering to international law or engaging in operations that are frequently subject to the political considerations of major powers.

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