

Accountability for human rights violations by UN peacekeepers

Citation for published version (APA):

van de Put, S. (2023). *Accountability for human rights violations by UN peacekeepers: a legal and theoretical perspective*. [Doctoral Thesis, Maastricht University]. Maastricht University. <https://doi.org/10.26481/dis.20230912sp>

Document status and date:

Published: 01/01/2023

DOI:

[10.26481/dis.20230912sp](https://doi.org/10.26481/dis.20230912sp)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

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it is akin to the peace and justice debate that we have seen throughout transitional justice.⁴ By offering a comprehensive analogy in this context, this study could also potentially lead to a broader engagement with further analogies that could be made in this context. In these ways, the arguments here could lead to further research projects.

8.4 Impact paragraph

This thesis set out to resolve the accountability deficit within UN peace operations. As these operations have increased in size, mandate, and capabilities, it has become more visible that international law can also be violated here. Yet, this has not often led to redress towards victims. To address this gap, this thesis has offered a novel proposal, namely that these accountability issues should be perceived as transitional justice issues. This is based firstly on a legal basis, namely that the UN is responsible for the redress of these violations. The transitional justice approach here presents a novel approach to how to fulfil this obligation.

Unfortunately, violations during these peace operations keep occurring, and peace operations have become an integral part of international policy. This thesis can offer a relevant framework for those who attempt to incorporate the broader development regarding victims' redress within these operations. This last paragraph will briefly reflect upon the impact this thesis expects to have.

8.4.1 Target audience

The main target group for this research are the policy-makers working on peace operations. Through a critical engagement with international law, it hopes to offer some insight as to how the UN can engage with accountability in a more effective manner. More specifically, this study aims to demonstrate how the organisation is under a legal obligation to offer redress and how this can be effectively implemented taking lessons from past experiences. In this way it hopes to offer a new perspective in a potential new approach taken to redress.

As the research here deals with human rights violations by peacekeepers, a second important party for who the work could be of interest is victims of these violations or those who represent them legally. The legal considerations in this study offer arguments why, in international law, the UN should be held accountable for the violations of its peacekeepers. This can be done through both formal, legal means but the research also offers bases for more advocacy-based endeavours.

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4 See, in general, Kenneth A Rodman, 'Peace Versus Justice' in Deen K Chatterjee (ed), *Encyclopedia of Global Justice* (Springer Netherlands 2011).

The approach taken in this study is also a ground for further debate within academic circles. The approach taken here broadens the debate, which sets the scene for new arguments to be advanced. Academics might take an interest (or potentially, an issue with) some of the arguments advanced here surrounding the application of transitional justice in these situations. This provides a third group that would likely be interested in these notions and ties in with the broader points made with regard to the scholarly impact of this study.

8.4.2 Societal impact

Human rights violations have a grave impact on victims. This impact can be compounded whenever there are no means of redress available. Throughout the years, we have seen a movement toward the acknowledgement of the harm to victims. This has led to a wide range of mechanisms which have emphasised the need for the effects of violations on victims to be recognised. These notions represent a key element of the rule of law, in which accountability for violations is a given.

This principle has, however, not yet been adopted by international organisations. Although we can see a strong development towards international organisations having a greater effect on the lives of individuals, this has not been combined with greater development of the accountability framework accompanying these operations. Peace operations are a prime example of this. Whereas this concept has evolved from relatively simple observer missions to complex, multidimensional operations that also embrace broader societal issues, this has not been combined with mechanisms that factor in the position of victims.

This study has aimed to address this gap, and offers a legal and theoretical analysis on the basis of which the UN can be held responsible. The findings of this research demonstrate that there are legal grounds which would oblige the UN to offer redress to individual victims of human rights violations. This is subsequently supported by a reference to the broader theoretical framework underlying redress, arguing for a way in which the UN can effectively fulfil these obligations.

In this way, this research highlights how the UN is responsible and can effectively fulfil its obligations toward victims. The broader societal impact this study then aims for is to be able to effectively place these obligations within peace operations and work towards a situation in which the contemporary developments surrounding the positions of victims and use of redress are also factored in for UN peace operations. In such a way, the hope is that the research can contribute to more accountable and effective peace operations that take the positions of victims seriously.

8.4.3 Scholarly impact

The scholarly impact, like the main research question of this study, is twofold. On the one hand, it offers an insight into the legal obligations of the UN during peace operations. It has aimed to offer a factual description, based within legal reasoning, to describe the responsibility of the UN in a legal sense. Ultimately, the conclusion here is that there are definite opportunities to argue for the accountability of UN for human rights violations by peacekeepers.

This is, however, not the most significant impact this study has aimed to make. More than the legal reasoning, its added value lies with the expansion of the theoretical reasoning surrounding justice to also include accountability issues of international organisations. As noted in Chapter 1, research has emphasised that these issues have so far mainly been focused on creating a legal argument as to why the UN should be accountable. Only a limited number of scholars have attempted to develop non-legal considerations, which would involve motivations for and forms of redress within these operations.

The main scholarly contribution of this study then lies in further expanding on these notions. Whereas some scholars have started teasing out some of the elements of transitional justice in relation to redress, this study expands on their work by incorporating a philosophical defence as to why transitional justice should be applicable in the first place. Supporting this, it offers a further theoretical insight as to why this would be the most appropriate method for addressing accountability issues within the UN.

This represents both an expansion of the traditional application of transitional justice, which has emphasised its role mainly in domestic conflicts, but also an expansion of the consideration of the debate surrounding accountability of the UN. What is crucial here is that it sees transitional justice as a form of exceptional justice, which functions whenever traditional structures would be insufficiently equipped to deal with violations. In this way, it advocates that this would also be an appropriate framework to consider accountability issues resulting from human rights violations by UN peacekeepers.

By offering such a theoretical account of the accountability issues of the UN, it offers a more comprehensive consideration of these issues. This interdisciplinary approach offers an invitation for broader considerations when examining accountability issues within UN peacekeeping. It can lead to a more nuanced debate, in which notions such as functionalism do not lead to an end to the debate, but only represent a further consideration to be taken on board when considering the accountability issues of the UN.

It also aims to further support the notion that it is unnecessarily limiting to consider these notions only from a legal perspective. This interdisciplinary approach then offers an

invitation for a broader scholarly debate to engage with the accountability issues surrounding UN peacekeeping. In this way, it hopes to contribute to a broader critique surrounding the approach in these situations, which also factors in broader developments concerning these concepts.

8.4.4 Dissemination

The primary method of spreading the findings of this research will be through publications. The aim is to construct a coherent monograph ready for publication based on this manuscript. Whereas none of the chapters has been individually published as articles, a paper directly inspired by the consideration of acquiescence within this research is currently under review after being presented at the *American Society of International Law International Organizations Interest Group*. This research has also been presented in some informal fora, to gather further feedback from peers. Examples of this include the lunch colloquia at Maastricht University and the pick our brains session of the Maastricht centre for human rights.

Some of the broader theoretical and legal considerations of this research have been used to inspire broader publications. This has led to peer-reviewed articles in the *Israel Law Review* and the *Journal of International Humanitarian Legal Studies*. In both of these articles, reference is made to many of the theoretical findings surrounding research that have originated from this research. Similarly, these findings have also been presented at conferences, such as the *Minerva Conference on International Humanitarian Law and War and Peace in the 21st Century*.

Outside academic publications, attempts have also been made to popularise the research through non-traditional fora. I participated in the *Let's Talk Human Right Series*, which focused on presenting an accessible format in which international legal topics could be discussed for a wider audience. Further options to engage with these matters would be the possibility of podcasts and disseminating findings in commentaries or blog posts, spreading this research to a broader audience.