UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

International Peacekeeping and United Nation Law

1819-5-A5810210

Learning objectives

The course aims at consolidating the knowledge of the institutional aspects of the United Nations Organization and of the functioning of the system of collective security, as well as to provide a comprehensive understanding of peacekeeping operations as a specific tool of the action of the UN in the field of peace maintenance.

Contents

The course outlines the basic legal features of the UN system of collective security and specifically deals with one of the main tools elaborated by the UN Organization for the maintenance of international peace and security, namely peacekeeping operations. Originally conceived in the Cold War as neutral and consensual-based instruments alternative to coercive measures involving the use of force, peacekeeping operations have substantially evolved through the years, in order to respond to very enlarged and diversified tasks, such as the protection of civilian populations or state-building functions in countries ravaged by internal armed conflicts. The course aims at exploring the evolution of peacekeeping operations in both its legal and operational aspects. The following issues will be specifically addressed: The legal framework for the maintenance of international peace and security peace and the UN system of collective security; The historic development and the evolution of peacekeeping operations; The main functions of peacekeeping operations; The legal basis of peacekeeping operations in the UN Charter; The formation, structure and financing of peacekeeping operations; Rights, duties and legal status of peacekeeping forces in the host State; The relation between the UN and participating States; The question of attribution of wrongful acts and omissions of peacekeeping forces and the associated problems of international responsibility; Peacekeeping operations carried out by regional organizations.

Detailed program

The course will deal in particolar with the following topics: 1) The precedents of the United Nations, from the

League of Nations experience to the preparatory works of the UN Charter; 2) Institutional aspects of United Nations, its political organs and their functioning, the International Court of Justice and its competences; 3) General characters of the UN system of collective security and the distinction between the peaceful settlement of disputes and the action for the maintenance of peace and security; 4) The measures adopted by the UN Security Council for maintaining peace and security; 5) Armed actions authorized the UN and UN peacekeeping operations (PKO); 6) The basic principles of PKO and their evolution; 7) Typologies of PKO and the main examples of PKO; 8) The law applicable to PKO, in particular the applicability to PKO of Human Right and International Humanitarian Law; 9) The UN accountability for damages caused and violations committed

by PKO; 10) The legal status of PKO and their personnel.

Prerequisites

The knowledge of the basic elements of international law is recommended

Teaching methods

The course will be taught in English and developed through seminaries, discussion prompts, critical examination of required or recommended readings and materials circulated to students attending the class; students will be required to prepare and present selected cases

Assessment methods

Oral Exam (in English)

Textbooks and Reading Materials

Alex J. Bellamy, Paul D. Williams, Understanding Peacekeeping, Polity Press, Cambridge, 2010.

Further readings and materials will be provided to students through the e-learning online database.