UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

International Peacekeeping and United Nations Law

2526-4-A5810261

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.

By the end of the course, students will have acquired:

- Knowledge and understanding of the core principles of United Nations law, the role and powers of the Security Council, and the historical and legal evolution of peacekeeping operations;
- Ability to apply knowledge and understanding to concrete cases and international controversies, through critical analysis of Security Council practice and peacekeeping missions;
- Independent judgment, particularly in interpreting legal sources, identifying the legal implications of decisions taken within the UN framework, and assessing the legitimacy and effectiveness of peace operations;
- Communication skills to clearly and effectively present complex issues, both orally and in writing, using appropriate legal language;
- Learning skills to critically engage with case law, official UN documents, and scholarly literature, and to develop an autonomous and informed method of study.

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;
6. The basic principles of peacekeeping operations and their evolution;
7. Typologies of peacekeeping operations and the main examples of peacekeeping operations;
8. The law applicable to peacekeeping operations, in particular the applicability of Human Right and International Humanitarian Law;
9. The UN accountability for damages caused and violations committed by peacekeeping operations;
10. The legal status of peacekeeping operations and their personnel.

Prerequisites

The knowledge of the basic elements of international law is recommended.

Teaching methods

The course will be taught in English in frontal and interactive lessons 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) composed by two general questions regarding topics covered in the lessons and reference texts. Passing the exam requires positive feedback on both questions posed to the candidate.

Textbooks and Reading Materials

Alex J. Bellamy, Paul D. Williams, *Understanding Peacekeeping*, 3rd edition, Polity Press, Cambridge, 2021 (ISBN: 978-0-745-68672-1).

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

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS