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The International Responsibility of the United Nations for the Conduct of Peacekeeping Forces: Attribution, Accountability, and the Limits of Immunity

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ABSTRACT

This article examines the international responsibility of the United Nations for wrongful acts and omissions arising from peacekeeping operations, with particular emphasis on attribution, effective control, accountability, immunity, and access to remedies. The study addresses the legal complexity created by the dual institutional status of peacekeeping personnel, who operate within United Nations missions while remaining connected to troop-contributing states in matters such as discipline, criminal jurisdiction, training, and administrative authority. The central objective is to determine the circumstances in which conduct by peacekeeping forces may be attributed to the United Nations and to clarify the extent to which responsibility may also remain with contributing states. The analysis distinguishes between functional attribution applicable to United Nations organs and agents and effective-control analysis applicable to national contingents placed at the Organization's disposal. It further examines responsibility for operational misconduct, failures of supervision, inadequate investigation, administrative omissions, and deficiencies in preventive measures. The article argues that responsibility should follow the actual distribution of authority over the specific conduct concerned rather than formal affiliation alone. It also emphasizes that dual or parallel responsibility may arise where both the United Nations and a troop-contributing state exercise relevant control or independently contribute to the wrongful conduct. Particular attention is given to the relationship between United Nations immunity and the right of injured persons to obtain effective redress. The study concludes that immunity should protect institutional independence without creating impunity and that accessible alternative claims mechanisms are necessary where national courts cannot exercise jurisdiction. Greater clarity in status-of-forces agreements, improved operational documentation, stronger investigative cooperation, effective compensation mechanisms, and clearer allocation of command and disciplinary responsibilities are essential to strengthening accountability and preserving the legitimacy of United Nations peacekeeping operations.

Keywords: *United Nations; Peacekeeping Forces; International Responsibility; Attribution; Effective Control; Accountability; Immunity; Reparation*

Introduction

United Nations peacekeeping operations occupy a distinctive position within the contemporary international legal order because they combine institutional authority, multinational military participation, and operational activity within

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territories affected by armed conflict or serious political instability. Peacekeeping forces are normally established or authorized within the framework of the United Nations system for purposes connected with the maintenance or restoration of international peace and security, yet the personnel through whom such missions operate frequently remain nationals and members of the armed forces of troop-contributing states. This hybrid institutional structure creates an immediate legal difficulty when conduct occurring during a peacekeeping operation causes injury, property damage, unlawful deprivation of rights, excessive use of force, or other forms of harm. Although the United Nations provides the institutional mandate and often exercises operational authority, troop-contributing states continue to retain important powers over their contingents, particularly in matters of discipline, criminal jurisdiction, appointment, promotion, training, and withdrawal. The legal basis of peacekeeping therefore cannot be examined solely through the formal identity of the personnel involved, because the relevant authority may be divided among the Organization, the mission command, and national authorities. The legal foundation of United Nations peacekeeping derives from the functions assigned to the Organization in maintaining international peace and security and from the institutional mechanisms developed to perform those functions (1). The progressive expansion of peacekeeping from traditional ceasefire monitoring to multidimensional operations involving civilian protection, security support, humanitarian facilitation, institutional assistance, and the administration of complex post-conflict environments has increased both the scope of United Nations authority and the potential consequences of operational error or misconduct (2). As the factual powers exercised by international missions expand, the corresponding questions of responsibility become increasingly important because legal authority cannot be separated from the obligation to account for wrongful exercises of that authority.

International responsibility in the peacekeeping context is particularly complex because the presence of multinational contingents disrupts the ordinary assumption that the conduct of a military unit can automatically be attributed to the state whose armed forces include that unit. The establishment of a peacekeeping operation places national forces within an international command structure without necessarily transferring every element of authority over them to the United Nations. The Organization may determine the mission mandate, strategic objectives, operational plans, deployment areas, rules concerning the use of force, and immediate field instructions, while the contributing state may preserve disciplinary jurisdiction, criminal authority, administrative control, and the legal relationship between the soldier and the national armed forces. This distribution of competence creates the possibility that responsibility for a single incident cannot be determined by reference to nationality or institutional appearance alone. The broader law of international responsibility recognizes that attribution must correspond to the juridical and factual relationship between the actor and the entity alleged to be responsible (3). In the context of international organizations, formal institutional arrangements are particularly important but cannot be regarded as sufficient where operational authority is actually exercised by another entity. Voulgaris emphasizes the central problem of allocating responsibility when states and international organizations participate jointly in institutional or operational activities, particularly where formal competence and factual control do not entirely coincide (4). Peacekeeping consequently exposes one of the most difficult areas of contemporary institutional responsibility: the need to identify which legal person exercised the authority relevant to the wrongful conduct and which legal person was consequently obliged to prevent, control, investigate, or repair the resulting harm.

The problem is not confined to direct operational misconduct. Responsibility may also arise from failures occurring before, during, or after an incident. A mission may inadequately train personnel, disregard foreseeable risks, issue unclear instructions, fail to respond to information indicating an imminent violation, neglect complaints,

fail to preserve evidence, or inadequately cooperate with national authorities responsible for prosecution. The international obligations applicable to peacekeeping therefore involve both positive conduct and omissions. International humanitarian law establishes standards governing the protection of persons affected by armed violence and restricts the manner in which coercive power may be exercised (5). The implementation of such obligations requires more than formal acceptance of legal rules because effective compliance depends on institutional structures capable of translating abstract standards into operational practice. Saad identifies implementation as a central dimension of the legal effectiveness of international humanitarian obligations, emphasizing the importance of practical mechanisms through which legal duties are performed rather than merely declared (6). In peacekeeping missions, the importance of implementation is heightened because authority is dispersed across international and national channels. A violation may originate in a field order, an individual act, inadequate planning, defective supervision, or a national disciplinary failure. Each of these possibilities raises a different attribution issue and requires analysis of the institutional relationship surrounding the relevant conduct.

The international legal personality of the United Nations provides the juridical foundation for attributing obligations and responsibility directly to the Organization. International organizations are not merely mechanisms through which states collectively express political preferences; they possess a distinct legal personality enabling them to exercise powers and assume obligations within the scope of their functions. The institutional autonomy of international organizations allows their acts to generate legal consequences separate from the conduct of individual member states (7). This independence is essential to the operation of the United Nations, because the Organization enters agreements, administers property, deploys missions, employs personnel, and undertakes activities that cannot meaningfully be reduced to the separate legal personality of its members. At the same time, international organizations are governed by the principle of speciality, under which their competence is connected with their constitutive instruments and assigned purposes rather than with the general sovereign competence characteristic of states. The functional nature of organizational authority therefore has two consequences for responsibility. First, conduct performed through the Organization's organs and agents may be legally attributed to the Organization itself. Second, the fact that organizational authority is functionally limited does not eliminate responsibility when powers are exercised unlawfully or beyond permissible limits. International personality provides both the capacity to act and the capacity to bear legal consequences resulting from wrongful conduct.

Peacekeeping responsibility is further complicated by the institutional immunities enjoyed by the United Nations. Immunity is intended to protect the independent performance of international functions from interference by national authorities, particularly where domestic litigation could obstruct or politicize the activities of an international organization. The legal position of international organizations therefore requires a distinction between substantive responsibility and procedural immunity. An organization may possess immunity before domestic courts while remaining subject to international legal obligations. This distinction is essential because immunity determines whether a particular forum may exercise jurisdiction, whereas international responsibility concerns whether conduct attributable to the Organization breaches an applicable legal obligation and produces a duty of cessation, reparation, or other legal consequences. The existence of privileges and immunities reflects the functional needs of international organizations rather than a general principle that their conduct is exempt from law (8). The danger arises when immunity operates without an effective substitute mechanism through which injured individuals can present claims and obtain remedies. In that situation, a procedural protection designed to preserve institutional independence may produce a substantive accountability deficit. The legal problem therefore extends beyond the

question whether the United Nations may be responsible; it also concerns whether the legal system provides a realistic mechanism for translating responsibility into investigation, compensation, and redress.

The practical significance of this problem is especially visible in peacekeeping operations because local populations interact directly with military and civilian personnel exercising significant public authority. The legal obligations of peacekeeping forces include compliance with relevant rules governing the conduct of operations, respect for protected persons, and adherence to the legal framework applicable within the mission environment (9). Yet the victim of wrongful conduct may face considerable difficulty identifying the responsible legal entity. The United Nations may argue that the relevant conduct resulted from a national contingent acting outside international instructions, while the troop-contributing state may emphasize the operational command exercised by the mission. Such reciprocal displacement of responsibility undermines the protective function of international law. Zwanenburg's analysis of peace-support operations demonstrates that accountability must respond to the actual institutional structure of multinational missions rather than relying exclusively on conventional distinctions developed for purely national military operations (10). The increasing complexity of peacekeeping accordingly requires a legal analysis capable of distinguishing operational control from administrative affiliation and of recognizing that responsibility may sometimes be divided or concurrent.

This article examines the international responsibility of the United Nations for the conduct of peacekeeping forces by concentrating on the relationship among organizational personality, attribution, effective control, functional authority, immunity, and access to reparation. Its principal objective is to determine the legal circumstances in which wrongful conduct occurring during a United Nations peacekeeping operation may be attributed to the Organization and to assess whether existing accountability mechanisms adequately respond to the division of authority between the United Nations and troop-contributing states. The analysis also considers responsibility for omissions, including failures of supervision, prevention, investigation, and administrative response, because institutional accountability cannot be confined to direct orders or physical acts performed in the field. Particular attention is given to the distinction between functional attribution applicable to organs and agents acting within the organizational framework and effective-control analysis applicable to state contingents placed at the disposal of the Organization. The article further evaluates the relationship between the immunity of the United Nations and the right of injured persons to obtain an effective remedy. The central argument is that attribution must correspond to the actual distribution of authority over the conduct concerned, that organizational responsibility may coexist with the responsibility of troop-contributing states where each exercises relevant control or fails to discharge independent obligations, and that institutional immunity cannot legitimately be interpreted in a manner that converts functional protection into practical impunity.

Legal Foundations of United Nations Responsibility for Peacekeeping Operations

The capacity of the United Nations to incur international responsibility begins with its status as a distinct international legal person. Legal personality allows an international organization to hold rights and duties independently from its member states and provides the conceptual basis for treating institutional conduct as conduct of the Organization itself. The United Nations performs functions that require independent legal action, including concluding agreements, administering assets, deploying personnel, operating missions, engaging in contractual relations, and interacting with states and other international actors. Such functions would be legally incoherent if every organizational act had to be attributed directly to the collective membership. The law of international

organizations therefore recognizes an institutional legal sphere within which organizational decisions and activities produce consequences attributable to the international organization rather than automatically to its members (7). This separate legal personality does not imply sovereignty equivalent to that of a state, because the United Nations exercises competences associated with its purposes and institutional mandate. Nevertheless, the absence of sovereign status does not prevent the Organization from bearing obligations. On the contrary, an entity capable of exercising international authority, controlling personnel, entering legal relations, and affecting protected interests must be capable of responsibility when its conduct violates rules binding upon it.

The functional character of organizational personality is closely connected with the principle of speciality. International organizations possess powers conferred expressly or implicitly for the fulfillment of their institutional purposes, and those powers remain legally connected to the functions for which the organization was established. The United Nations therefore does not possess unlimited authority merely because the Security Council has primary responsibility for international peace and security. Peacekeeping activities must remain connected with the legal purposes and institutional competences of the Organization. The development of peacekeeping demonstrates the flexibility with which the United Nations has interpreted and implemented its peace and security functions, but flexibility does not eliminate legal limits. The legal basis of peacekeeping forces rests upon the institutional competence of the United Nations to take measures directed toward international peace and security, together with the consent, mandate, agreements, and operational arrangements applicable to the individual mission (1). Where organizational bodies exceed the legal framework of the mission or authorize measures incompatible with applicable international rules, the resulting conduct does not become lawful merely because it was performed in pursuit of a legitimate institutional objective. The distinction between competence and legality is therefore indispensable. The United Nations may possess competence to establish or direct a mission while remaining responsible for unlawful means used in implementing that mission.

Peacekeeping operations illustrate the importance of distinguishing organizational authority from state sovereignty. Troops deployed under United Nations auspices do not become a conventional standing army permanently incorporated into an independent United Nations military structure. They remain connected to their national legal systems while simultaneously operating within an international mission. This dual relationship results from the practical manner in which peacekeeping forces are constituted. States contribute personnel and units pursuant to international arrangements, and the United Nations integrates those contingents into a mission command system designed to perform the mandate. Al-Douri explains the central role of international and regional organizations in peacekeeping activities and the institutional mechanisms through which collective security functions are operationalized (11). The organizational framework determines strategic and operational objectives, but the sending state commonly continues to exercise authority over matters such as recruitment, military status, disciplinary proceedings, criminal prosecution, salaries, promotions, and withdrawal. Consequently, the legal status of peacekeepers is characterized by divided authority rather than complete institutional transfer.

This division of authority explains why organizational responsibility cannot be determined through a single formal criterion. The fact that a soldier remains legally a member of a national armed force cannot itself establish exclusive state responsibility for every action undertaken during an international operation. Equally, the fact that a soldier wears United Nations insignia or performs duties under a United Nations mandate cannot automatically transfer all responsibility to the Organization. Voulgaris shows that the allocation of international responsibility between organizations and member states requires attention to the particular legal and factual relationship surrounding the

conduct concerned (4). In peacekeeping, different forms of control may coexist. Strategic authority may rest with United Nations institutions, operational command with international mission leadership, tactical discretion with national commanders, and disciplinary authority with the contributing state. The allocation of responsibility must therefore identify which aspect of authority was legally relevant to the wrongful act. If an injury results from an operational order determining where and when force should be used, organizational control may be decisive. If harm results from a national decision concerning defective equipment, inadequate predeployment training, or refusal to discipline personnel, responsibility may remain with the contributing state. In some circumstances, both entities may bear responsibility for distinct contributions to the same harmful outcome.

International responsibility further requires more than attribution. Even where conduct is attributable to the United Nations, responsibility arises only if the conduct constitutes a breach of an international obligation applicable to the Organization. This distinction prevents responsibility from becoming a form of absolute liability for every harmful consequence of peacekeeping. Military and security operations inherently involve risk, and lawful conduct may nevertheless produce damage. Izz al-Din describes the internationally wrongful act as requiring the combination of attribution and breach rather than harm alone (3). The existence of injury may trigger investigation and raise evidentiary questions, but it does not independently establish international wrongfulness. The relevant inquiry must therefore identify the applicable obligation and determine whether the conduct failed to comply with its requirements. In a peacekeeping context, relevant obligations may arise from international humanitarian law, human rights principles, mission agreements, institutional rules, or other bodies of international law depending upon the circumstances.

The application of international humanitarian law is particularly important where peacekeeping forces become involved in situations characterized by armed violence. The legal regulation of conduct in armed conflict reflects fundamental principles concerning protection, distinction, proportionality, precaution, and humane treatment (5). The involvement of peacekeepers in security operations cannot therefore be regarded as legally neutral simply because the mission is established for peaceful purposes. The legal characterization of particular conduct depends on the factual circumstances and the rules applicable to the mission and incident. Al-Najdi emphasizes that peacekeeping personnel operate under a set of obligations that must be understood in relation to the scope of international humanitarian law and the operational environment in which forces are deployed (9). Where mission forces participate in hostilities or exercise coercive authority affecting civilians, the need for clear legal standards becomes especially significant. Organizational responsibility may arise not only from direct violations but also from institutional failures to establish rules, training, supervision, and preventive procedures adequate to the foreseeable operational risk.

The responsibility of the United Nations must also be distinguished from the international responsibility of states participating in its operations. Member states do not automatically become responsible merely because they belong to the Organization, and the United Nations cannot automatically transfer its own responsibility to members simply because they created or supported the relevant institutional arrangement. The legal independence of international organizations would lose much of its meaning if every organizational wrong were mechanically converted into collective state responsibility. Conversely, participation in an international organization cannot provide a state with immunity from responsibility for its own conduct. Jasim's examination of state responsibility in relation to internationally wrongful acts connected with international organizations demonstrates the need to preserve the distinction between organizational acts and independent state conduct (12). A troop-contributing state may therefore

incur responsibility where it exercises decisive national control over a wrongful act, issues instructions incompatible with the international mandate, fails to satisfy obligations relating to training or discipline, or otherwise contributes independently to a violation. The possibility of organizational responsibility and state responsibility should not be treated as mutually exclusive where the factual and legal circumstances support both.

Responsibility may also arise from institutional omissions. International organizations perform their functions through structures of planning, supervision, information, and decision-making, and the failure of those structures can be legally significant. Peacekeeping missions frequently exercise authority over matters such as deployment, operational planning, civilian protection, security coordination, complaint processing, and investigation. A failure to take reasonable measures within the Organization's authority may therefore constitute wrongful conduct where an applicable obligation requires action. Mahiibish emphasizes that mechanisms designed to protect individuals under international law depend on the existence of effective institutional responsibility rather than merely on formal legal guarantees (13). In peacekeeping, the relevant omission may consist of failing to respond to credible information that personnel are committing violations, failing to modify dangerous operational procedures, failing to investigate serious complaints, or failing to transmit evidence to national authorities. The legal relevance of such omissions depends upon the scope of the Organization's authority and the obligations binding upon it, but the absence of direct physical participation does not necessarily exclude responsibility.

Administrative responsibility is particularly important because peacekeeping operations are institutional enterprises requiring extensive organization before any field activity occurs. Recruitment standards, suitability assessments, training requirements, mission instructions, reporting systems, investigation procedures, and complaint mechanisms affect the likelihood that misconduct will occur. Al-Maliki's discussion of international organizations underscores the importance of institutional structures through which international bodies exercise legal and administrative functions (7). Where the United Nations exercises administrative powers over mission personnel, its responsibility must be assessed in relation to the actual capacity to prevent or address misconduct. The Organization cannot reasonably be required to perform functions legally reserved to national authorities, such as criminal prosecution of national military personnel where jurisdiction remains with the sending state. It may, however, be required to exercise the powers it actually possesses, including documentation, investigation, suspension from mission duties, requests for repatriation, referral of evidence, and revision of institutional procedures. Responsibility should follow authority rather than be defeated by the existence of authority elsewhere.

The existence of immunity does not alter these substantive foundations. International organizations require functional independence from domestic jurisdiction, particularly in relation to politically sensitive international activities, but immunity concerns the exercise of jurisdiction by particular courts rather than the existence of legal obligations. Sultan's treatment of international organizations demonstrates that privileges and immunities are associated with the institutional conditions necessary for effective performance, rather than constituting recognition that organizational conduct is above law (8). This distinction is crucial for peacekeeping responsibility. If immunity is interpreted as eliminating the possibility of substantive responsibility, the international legal personality of the United Nations would become internally contradictory: the Organization would possess independent powers and legal rights while being incapable of bearing legal consequences for wrongful exercises of those powers. The more coherent position is that immunity protects institutional functions procedurally while responsibility remains governed by substantive international law.

The functional basis of immunity also creates an obligation to examine whether alternative mechanisms exist for resolving claims that cannot be heard in domestic courts. Peacekeeping missions generate disputes involving private persons, property, employment, contracts, operational damage, and administrative action. Kazim's analysis of peacekeeping operations and dispute settlement demonstrates the importance of integrating mission activity with mechanisms capable of addressing disputes arising from the exercise of international functions (14). If domestic jurisdiction is excluded by immunity, the legitimacy of that exclusion is strengthened where an accessible and impartial alternative provides an effective opportunity to seek redress. Conversely, an accountability deficit becomes more serious where immunity blocks judicial examination and no meaningful alternative procedure exists. The legal foundations of United Nations responsibility must therefore be understood as combining organizational personality, functional competence, attribution, breach, and remedial obligations. Together, these concepts provide the framework for determining when the conduct of peacekeeping forces becomes conduct of the Organization and when the Organization must bear the consequences of wrongful institutional action.

Attribution of Peacekeeping Conduct to the United Nations

Attribution is the central legal mechanism through which conduct occurring in a peacekeeping operation is connected to the United Nations as an international legal person. The need for attribution follows from the basic structure of responsibility: international law does not impose responsibility upon an entity merely because harmful conduct occurs within an activity with which that entity is generally associated. The act or omission must first be legally treated as conduct of the entity concerned. In ordinary organizational activity, this task may be relatively straightforward because permanent organs and officials operate within a clearly defined institutional structure. Peacekeeping operations are more complicated because national military contingents are temporarily integrated into an international operational framework while retaining important legal connections with their states. The resulting attribution inquiry must therefore distinguish between conduct of organs or agents of the United Nations and conduct of state organs placed at the Organization's disposal. Voulgaris identifies this distinction as fundamental to the allocation of responsibility in institutional arrangements involving international organizations and their member states (4). The legal analysis must begin with the status of the actor and then proceed to the authority exercised over the particular conduct.

Conduct of an organ or agent acting in the performance of organizational functions is attributable to the international organization because the organization can operate only through natural persons and institutional bodies. The juridical will of the United Nations is necessarily expressed through its authorized organs, officials, mission leadership, and other persons entrusted with functions. Ali's examination of the binding force of decisions of international organizations reflects the broader principle that organizational acts acquire legal significance through institutional structures authorized to exercise organizational functions (15). Attribution in this context does not depend on whether the individual occupies the highest level of the institutional hierarchy. If responsibility were confined to conduct directly ordered by senior political bodies, an international organization could avoid responsibility for much of the activity through which its mandates are actually implemented. The relevant connection is therefore functional: the person or organ must be acting in an institutional capacity connected to the functions of the Organization.

The functional approach is also important where an organ or agent exceeds instructions. Internal illegality and external attribution are conceptually distinct. An official who abuses authority or acts contrary to organizational

regulations does not necessarily cease to act in an institutional capacity for purposes of attribution. Al-Maliki's analysis of international organizational law supports the broader distinction between institutional competence, internal regulation, and the legal consequences of conduct carried out through organizational authority (16). If every unauthorized action were automatically classified as private conduct, organizations could avoid responsibility whenever an official violated internal rules, even where the official relied upon organizational authority, equipment, position, or access to commit the act. The more appropriate inquiry is whether the conduct possesses a sufficiently close connection with the assigned function. Purely private acts unrelated to mission duties may fall outside organizational attribution, but misuse of institutional authority during the apparent performance of official functions may remain attributable despite internal irregularity.

Peacekeeping contingents supplied by states require a different analysis because they do not ordinarily become permanent organs of the United Nations. Their national status continues while they are placed at the Organization's disposal for the performance of peacekeeping functions. This is why effective control assumes decisive importance. Zwanenburg's study of accountability in peace-support operations demonstrates that the factual distribution of command and control is essential to identifying responsibility in multinational military structures (10). Effective control is concerned with the entity that exercised real authority over the specific act or omission giving rise to the claim. The test prevents attribution from being determined mechanically by formal nationality, institutional insignia, or the general existence of a mission mandate. Instead, it asks who actually possessed and exercised the capacity to direct, modify, prevent, or terminate the conduct concerned.

The specificity of the effective-control inquiry is particularly important. General control over a mission is not necessarily equivalent to effective control over every act committed by members of a national contingent. The United Nations may establish the mandate and strategic objectives while national commanders retain significant discretion over implementation. Conversely, a state may retain disciplinary and administrative authority without controlling the operational decision that caused the injury. Voulgaris emphasizes that responsibility allocation requires attention to the actual relationship between institutional authority and the particular conduct rather than reliance on generalized organizational affiliation (4). The attribution analysis must therefore reconstruct the decision-making chain surrounding the incident. Relevant considerations include who designed the operation, who selected the objective, who determined the time and manner of action, who issued binding orders, who supplied operational intelligence, who possessed authority to alter the plan, who monitored execution, and who could have ordered the conduct to stop.

This incident-specific approach recognizes that effective control may shift during different stages of the same operation. Strategic planning may be undertaken internationally, tactical implementation may be left to a national commander, and subsequent intervention may again involve United Nations mission leadership. A wrongful outcome could therefore result from several legally distinct decisions. For example, a defective operational plan may be attributable to the Organization if developed and imposed by mission command, while an unauthorized tactical deviation could be attributable to the contributing state if the national commander independently altered the plan. Izz al-Din's treatment of international responsibility underlines the importance of identifying the specific wrongful act rather than treating a broad course of events as a single undifferentiated legal fact (3). Breaking the incident into its constituent decisions enables responsibility to correspond more closely to actual authority and causation.

Operational attribution becomes particularly significant in cases involving the use of force. Peacekeeping forces may be required to protect civilians, secure locations, defend personnel, enforce mission mandates, or respond to armed threats. The legality of such actions depends upon applicable rules and the factual circumstances, while attribution depends upon the command structure surrounding the decision. Al-Najdi emphasizes that the obligations of peacekeeping personnel must be assessed within the relevant humanitarian and operational legal framework (9). Where United Nations mission command determines the target, timing, permissible degree of force, and rules governing engagement, and retains the capacity to modify or terminate the operation, the connection to organizational control is strong. Where the national commander independently orders conduct contrary to mission instructions or acts pursuant to national directives, attribution to the state becomes more plausible. Neither the international mandate nor continuing national status should operate as an irrebuttable presumption.

Effective control must also encompass omissions where the entity possessing operational authority fails to exercise it. Responsibility cannot be restricted to affirmative orders because command necessarily includes the ability and obligation to respond to foreseeable risks. Where mission leadership has credible information that forces under its operational control are likely to commit serious violations and possesses reasonable means of intervention, failure to act may constitute an attributable omission. The rules of international humanitarian law illustrate that compliance often depends upon preventive precautions and supervision rather than solely on post-violation punishment (5). Institutional responsibility may therefore arise where decision-makers fail to establish adequate operational safeguards, disregard warnings, fail to modify dangerous instructions, or permit continuing misconduct despite an actual capacity to intervene.

The relationship between organizational responsibility and individual command responsibility requires careful distinction. International criminal law may impose personal responsibility upon commanders who fail to prevent or repress crimes committed by forces subject to their effective command and control. Organizational responsibility, by contrast, concerns the international legal consequences attributable to the United Nations as an institution. These forms of responsibility serve different purposes and operate through different legal frameworks. Mahiibish's analysis of international responsibility in situations involving serious violations demonstrates the need to separate institutional mechanisms from individual accountability while recognizing that both can respond to the same factual circumstances (13). The standards used to evaluate command conduct may nevertheless illuminate whether institutional leadership possessed information, authority, and reasonable preventive means. A commander's individual liability does not replace organizational responsibility where the commander acted as an organ or agent of the Organization, and organizational responsibility does not eliminate the possibility of personal criminal liability.

Administrative and disciplinary acts require attention to functional attribution as well as effective control. Peacekeeping missions depend upon extensive administrative systems governing assignment, movement, reporting, conduct standards, complaints, investigations, and supervision. Conduct performed by United Nations civilian officials or mission personnel in executing these functions may be directly attributable to the Organization. Al-Maliki describes international organizations as institutional structures whose legal functions are performed through administrative bodies and agents operating within assigned competences (7). A failure by such bodies to register complaints, preserve evidence, investigate allegations, or take available preventive action may therefore constitute organizational conduct even if the original violation was committed by a member of a national military contingent. This distinction is critical because responsibility for handling misconduct may differ from responsibility for the misconduct itself.

The same incident may consequently produce multiple layers of responsibility. A national soldier may commit a wrongful act during an operation under United Nations control; mission officials may fail to investigate properly; and the troop-contributing state may subsequently fail to prosecute despite possessing jurisdiction. The original operational act, the institutional omission, and the national disciplinary failure should not be artificially compressed into a single attribution determination. Jasim's analysis of state responsibility in the context of international organizations illustrates why states retain responsibility for their own internationally wrongful acts even where they participate in institutional activities (12). The international organization may bear responsibility for conduct attributable to it, while the state remains responsible for separate violations attributable to national authorities. Such parallel responsibility is not duplication; it reflects the fact that distinct legal persons may breach different obligations in relation to the same factual event.

Dual attribution may also be possible where both the Organization and a state exercise sufficiently significant control over the same conduct. Multinational operations are often structured through interdependent decision-making rather than a simple vertical chain. National contingents may operate under United Nations strategic authority while receiving binding national restrictions or instructions. If both sets of authorities materially determine the conduct, exclusive attribution to only one entity may distort the reality of command. Voulgaris's allocation framework supports a nuanced approach in which responsibility follows the actual contribution and authority of each participating entity (4). The possibility of dual attribution is particularly important because rigid insistence upon exclusive responsibility may enable each actor to point to the authority of the other. Shared or parallel attribution better prevents gaps where multiple actors jointly shape an unlawful course of conduct.

The evidentiary dimension of effective control presents substantial practical difficulty. Information concerning operational orders, communications, tactical directives, command relationships, and internal reports is usually held by the United Nations or troop-contributing states rather than by injured individuals. A claimant may know only the visible circumstances of the harm and the identity of the personnel involved. The legal system therefore risks making attribution practically impossible if it places the entire burden of proving confidential command arrangements upon victims. Zwanenburg's accountability analysis demonstrates the importance of institutional transparency and effective investigative mechanisms in peace-support operations (10). Evidence relevant to control may include formal mandates, memoranda of understanding, rules of engagement, mission directives, situation reports, communication records, operational logs, national caveats, and evidence concerning who had authority to stop or modify the conduct. Circumstantial evidence may be necessary where direct orders are unavailable.

Documentation is therefore not merely an administrative matter but part of the architecture of accountability. A mission unable or unwilling to preserve reliable command records undermines the ability to determine responsibility and may permit actors to exploit uncertainty. The institutional responsibility of the United Nations should include reasonable systems for recording operational decisions, preserving evidence, and identifying the chain through which authority was exercised. Kazim's treatment of dispute settlement in peacekeeping contexts highlights the connection between effective legal remedies and institutional mechanisms capable of establishing the facts underlying a dispute (14). A claims mechanism that cannot obtain internal operational information cannot meaningfully determine responsibility. Attribution rules must accordingly be accompanied by procedural arrangements that make the facts of control capable of proof.

The distinction between effective control and formal command also prevents both over-attribution and under-attribution. The United Nations should not be treated as automatically liable for every wrongful act committed by

every person serving under its flag, because this would disregard national powers and individual deviations. At the same time, contributing states should not be allowed to rely on formal nationality where the United Nations exercised decisive operational authority. Effective control provides a functional method for connecting responsibility with power. Its strength lies in its capacity to reflect the complex factual reality of peacekeeping; its weakness lies in the difficulty of establishing control in practice. The appropriate response is therefore not abandonment of the standard but greater clarity in mission agreements, more transparent allocation of command powers, better preservation of operational records, and acceptance that responsibility may sometimes attach to more than one international legal person.

Accountability, Immunity, and Reparation for Peacekeeping Misconduct

The attribution of wrongful conduct to the United Nations does not by itself ensure accountability, because responsibility must be capable of producing institutional consequences and meaningful remedies. Peacekeeping accountability includes prevention, supervision, investigation, disciplinary response, cooperation with national authorities, compensation, and access to procedures through which affected persons can present claims. The challenge is that the United Nations enjoys extensive privileges and immunities designed to preserve institutional independence, while military personnel supplied by states may remain subject primarily to national disciplinary and criminal jurisdiction. This creates a potentially serious enforcement gap. The Organization may invoke immunity before domestic courts, while the contributing state may argue that operational conduct occurred under United Nations command. If no effective alternative mechanism exists, the individual injured by peacekeeping conduct may confront a legal structure in which responsibility is theoretically recognized yet practically unenforceable. Kazim's analysis of dispute settlement in peacekeeping operations illustrates the importance of integrating mission activity with mechanisms capable of resolving legal disputes and providing meaningful outcomes (14). Accountability therefore requires more than determining who was legally responsible; it requires institutional arrangements capable of responding to that responsibility.

The distinction between immunity and responsibility is foundational. Immunity is procedural in character because it limits the jurisdiction of particular national authorities over the United Nations, whereas international responsibility concerns the substantive legal consequences of conduct attributable to the Organization. The United Nations requires protection from domestic interference in order to perform politically sensitive functions independently, especially where peacekeeping operations take place in states experiencing instability or conflict. Sultan explains that privileges and immunities are linked to the functional requirements of international organizations and the need to protect institutional activity from inappropriate national interference (8). Such protection, however, does not logically entail that conduct performed through the Organization is substantively lawful or that injured persons possess no legal rights. A rule preventing a national court from exercising jurisdiction cannot by itself erase the underlying obligation allegedly breached.

The functional rationale of immunity therefore requires a distinction between protection of institutional independence and protection from accountability. If litigation before a domestic court would interfere with mission operations, diplomatic relations, or the independent execution of a United Nations mandate, immunity may serve a legitimate institutional purpose. Yet the same rationale cannot justify the absence of any avenue through which a claim may be examined. Ahmad's examination of the United Nations administrative judicial system demonstrates that international institutions may establish internal or alternative legal mechanisms designed to resolve disputes

without subjecting the Organization directly to ordinary domestic jurisdiction (17). The relevant accountability question is therefore whether the exclusion of national courts is accompanied by an alternative process possessing sufficient independence, accessibility, impartiality, and remedial capacity.

Peacekeeping makes this issue particularly urgent because missions interact directly with local communities. Individuals may suffer personal injury, property loss, unlawful detention, misuse of force, contractual damage, or other harm arising from mission activities. The affected person may have no political influence and no realistic ability to pursue a claim through diplomatic channels. International legal protection therefore depends upon procedures that can be initiated by individuals rather than only by states. Khalil's analysis of compensation under international law reflects the broader principle that responsibility for wrongful injury is connected with the obligation to provide reparation capable of responding to the consequences of the violation (18). A system that formally acknowledges responsibility while denying practical access to compensation risks reducing the concept of reparation to an abstract principle.

The accountability deficit becomes more serious where organizational immunity is treated as absolute without considering the availability of alternative remedies. Functional immunity is justified insofar as it protects legitimate organizational activities, but an interpretation that allows immunity to block every form of independent legal examination may exceed what functional necessity requires. Al-Hajami's analysis of obligations associated with international institutional presence emphasizes that privileges must operate within a legal framework governing relations with host states rather than creating a complete exemption from legal obligation (19). The institutional presence of peacekeeping forces cannot mean that persons affected by mission activity are placed outside the protection of law. The credibility of the United Nations as an organization committed to international legality depends partly upon its willingness to subject its own conduct to effective mechanisms of review.

Accountability also begins before harm occurs. The United Nations must establish preventive systems proportionate to the authority exercised by peacekeeping missions. These systems include appropriate selection standards, predeployment training, operational instruction, legal guidance, supervision, complaint mechanisms, reporting procedures, and measures designed to identify risks before they develop into violations. Al-Najdi emphasizes the importance of understanding the substantive obligations applicable to peacekeeping personnel, particularly where mission activity intersects with international humanitarian law (9). Knowledge of legal obligations must be translated into operational practice through training and clear rules. A formally correct code of conduct cannot adequately protect civilians if personnel do not understand its content or commanders fail to enforce it.

The multinational character of peacekeeping increases the importance of common standards. Contributing states may have different military cultures, legal systems, training methods, and disciplinary traditions. The United Nations must therefore establish minimum mission-wide requirements while respecting the continuing authority of states over matters not transferred to the Organization. Saad's discussion of implementation in international humanitarian law demonstrates that legal effectiveness depends upon national and institutional measures capable of translating international rules into practice (6). In peacekeeping operations, this means that both the United Nations and troop-contributing states possess preventive responsibilities within their respective spheres of authority. The Organization may be responsible for mission-wide operational preparation, while states remain responsible for adequate training and screening before deployment. A failure at either level may contribute to subsequent misconduct.

Screening is particularly relevant where personnel are assigned to positions involving weapons, detention authority, sensitive information, or direct interaction with vulnerable populations. The United Nations cannot

guarantee that every individual will comply with legal and ethical standards, but it can establish procedures reasonably designed to reduce foreseeable risks. Al-Maliki's treatment of organizational administration supports the proposition that international organizations act through institutional systems that must be structured in a manner consistent with their legal functions (7). Where credible information indicates that particular personnel are unsuitable for deployment and such information is ignored, responsibility may arise from defective institutional decision-making rather than merely from the subsequent individual misconduct.

Supervision during deployment is equally important. Operational authority carries a responsibility to monitor implementation, respond to warning signs, and modify procedures when risks become apparent. An organization should not be able to rely on formal rules while disregarding repeated evidence that those rules are ineffective. Mahiibish's analysis of mechanisms for protecting persons affected by serious international violations underscores the importance of institutional procedures capable of preventing and responding to abuse (13). Where commanders receive credible allegations of repeated misconduct, appropriate measures may include investigation, increased supervision, modification of operational assignments, temporary removal from duties, or referral to national authorities. The precise response depends upon the Organization's powers, but total inaction cannot be justified merely because some disciplinary powers remain with the troop-contributing state.

Investigation is a central component of accountability because it connects allegations with evidence and enables both institutional and national responses. A credible investigation must examine more than the conduct of the individual peacekeeper. It should reconstruct the operational environment, command structure, orders, reporting chain, and supervisory response. Zwanenburg emphasizes that accountability in peace-support operations requires examination of institutional structures rather than exclusive concentration on individual wrongdoing (10). Where harm resulted from defective planning or an unlawful operational instruction, focusing solely on the final actor would obscure the source of responsibility. An effective investigation should therefore consider whether senior personnel authorized, tolerated, failed to prevent, or failed to correct the conduct.

The division of disciplinary authority between the United Nations and contributing states presents one of the most significant practical barriers to accountability. Military personnel generally remain subject to national criminal jurisdiction and disciplinary systems, while the United Nations may possess powers relating to investigation, administrative action, mission assignment, or repatriation. This arrangement is not inherently defective because national states retain legitimate authority over their armed forces. The difficulty arises when the division of competence permits each institution to rely on the authority of the other. Jasim's examination of state responsibility in relation to international organizations demonstrates that participation in an organizational framework does not release states from responsibility for conduct attributable to their own authorities (12). A contributing state that receives evidence of serious misconduct and fails to investigate or prosecute in circumstances where international obligations require action may incur responsibility independently of any organizational failure.

The United Nations likewise cannot rely upon the state's criminal jurisdiction to avoid exercising the powers available to the mission. Institutional responses may include immediate fact-finding, preservation of evidence, protection of witnesses, removal from operational duties, suspension of access, referral to the contributing state, requests for repatriation, and monitoring of national proceedings. Al-Nima's examination of the role of international organizations in human rights protection reflects the broader expectation that organizations possessing authority affecting individuals must establish mechanisms consistent with the protection of fundamental rights (20). The

absence of direct criminal jurisdiction does not eliminate the duty to act within the Organization's administrative competence.

Effective accountability also requires reliable cooperation between the United Nations and national prosecutorial authorities. Evidence gathered within a mission may be essential to later criminal proceedings in the troop-contributing state, yet delays, incomplete documentation, or failure to preserve witness testimony can make prosecution impossible. The legal architecture of peacekeeping should therefore establish clear procedures for collecting and transferring evidence, identifying competent authorities, protecting witnesses, and tracking the progress of national cases. Mahiibish emphasizes that international protection mechanisms depend on coordination among responsible institutions, particularly where violations cross jurisdictional boundaries (13). Without such cooperation, the formal retention of criminal jurisdiction by a troop-contributing state may provide little practical accountability.

Status-of-forces agreements and memoranda governing troop contributions should play a larger role in preventing accountability gaps. These instruments can define command structures, operational authority, disciplinary responsibilities, investigation procedures, evidence-sharing obligations, and mechanisms for resolving claims. Aziz's examination of the legal foundations of United Nations peacekeeping illustrates the importance of clearly defined legal arrangements governing the presence and functioning of international forces (1). Greater precision in these agreements would assist attribution because the documents could identify which authority controls particular categories of decisions. Formal provisions would not replace examination of actual effective control, but they would provide valuable evidence and reduce opportunities for contradictory interpretations after a violation occurs.

The remedial dimension of responsibility must also be strengthened. Compensation is a central method of repairing material harm, although reparation may also include acknowledgment, restitution where possible, investigation, institutional reform, or other measures appropriate to the violation. Khalil connects international responsibility with the obligation to address injury through compensation and other legal consequences (18). In peacekeeping operations, compensation mechanisms should be accessible to individuals who lack the resources necessary for complex transnational litigation. Procedures should contain clear filing rules, reasonable time limits, impartial assessment, and transparent compensation standards. Excessive secrecy or purely discretionary humanitarian payments cannot fully substitute for a legal claims mechanism where responsibility for wrongful conduct is alleged.

Independent claims commissions or comparable mechanisms could provide an institutional compromise between domestic jurisdiction and organizational immunity. Such bodies could preserve the independence of the United Nations while allowing claims to be examined by persons institutionally separate from those responsible for the mission conduct. Kazim's work on peacekeeping and dispute settlement demonstrates that alternative mechanisms can form an integral part of the legal structure governing international missions (14). To be effective, however, a claims process must have access to relevant operational records, authority to determine facts, clear standards of responsibility, and capacity to provide meaningful remedies. A mechanism that depends entirely upon the voluntary acceptance of conclusions by the same officials whose conduct is challenged would provide limited protection.

Transparency is similarly essential. Peacekeeping accountability is weakened where information concerning complaints, investigations, national referrals, and disciplinary outcomes is unavailable. Transparency does not

require publication of sensitive operational information in every case, but institutional secrecy should not become a general barrier to accountability. Fares emphasizes the importance of the United Nations in maintaining international peace and security, a role whose legitimacy depends upon confidence in the lawful exercise of institutional authority (2). Public reporting on the number and nature of allegations, the status of investigations, referrals to contributing states, and completed proceedings can strengthen both deterrence and institutional credibility.

Immunity should therefore be interpreted in harmony with responsibility rather than as its opposite. The purpose of immunity is to safeguard international functions, not to shield wrongdoing as such. Where domestic courts cannot exercise jurisdiction, the United Nations should ensure that alternative arrangements provide a realistic opportunity for claims to be assessed. Al-Rubaie's examination of the role of international adjudicatory mechanisms in interpreting and applying the United Nations legal framework illustrates the broader significance of maintaining a legal order in which institutional power remains subject to juridical standards (21). The legitimacy of peacekeeping depends not only upon the objectives of the mission but also upon the manner in which the Organization responds when its operations cause unlawful harm. Functional independence and accountability are not mutually exclusive. Properly designed mechanisms can protect the mission from inappropriate national interference while simultaneously ensuring investigation, reparation, and institutional learning.

The most coherent accountability framework therefore combines precise attribution, shared responsibility where appropriate, preventive administrative systems, credible investigation, national criminal cooperation, accessible claims mechanisms, and a functional rather than impunity-producing understanding of immunity. Such a framework recognizes that the United Nations cannot exercise extensive authority in conflict-affected societies while remaining legally insulated from the consequences of wrongful institutional conduct. It also recognizes that troop-contributing states remain indispensable participants in accountability because they retain powers that the Organization does not possess. The objective should not be to shift all responsibility to one actor but to ensure that each actor bears responsibility proportionate to the authority it actually exercises. This approach preserves the operational effectiveness of peacekeeping while reducing the possibility that divided authority will become divided accountability.

Conclusion

The international responsibility of the United Nations for the conduct of peacekeeping forces arises from the fundamental relationship between authority and accountability. Peacekeeping operations are established to perform essential functions connected with international peace and security, yet the legitimacy of those functions depends upon their exercise within a legal framework capable of responding to wrongful conduct. The contemporary structure of peacekeeping makes responsibility particularly complex because military contingents remain connected to troop-contributing states while operating within an international mandate and command system. This dual institutional relationship means that neither nationality nor organizational affiliation can provide a complete answer to the question of responsibility. The central legal inquiry must instead identify the authority actually exercised over the conduct concerned and determine whether the resulting act or omission breached an international obligation.

The United Nations possesses an international legal personality independent from that of its member states. That personality enables the Organization to exercise rights, perform functions, conclude agreements, administer missions, and act through its organs and agents. The same legal independence necessarily entails the capacity to bear international responsibility. International organizations cannot coherently be regarded as autonomous legal

actors when they exercise authority but as legally invisible when their conduct causes wrongful harm. The functional nature of organizational competence does not diminish this conclusion. On the contrary, the principle of speciality establishes the legal boundaries within which institutional power must be exercised. Conduct undertaken in pursuit of legitimate peacekeeping objectives may still be unlawful if the means employed violate applicable international standards or exceed permissible authority.

Attribution is therefore the decisive starting point. Where conduct is performed by organs or agents of the United Nations in the exercise of organizational functions, a functional connection provides the principal basis for attribution. The Organization necessarily acts through human and institutional intermediaries, and responsibility would be easily avoided if misconduct automatically ceased to be organizational merely because an official exceeded internal instructions. Conduct carried out through apparent organizational authority may remain attributable even where it involves internal irregularity, provided that the relationship with institutional functions remains sufficiently close.

National military contingents placed at the disposal of the United Nations require a more fact-sensitive approach. Effective control provides the most appropriate basis for determining whether particular operational conduct should be attributed to the Organization. The inquiry should focus on actual authority over the specific act or omission rather than on the general structure of the mission. Relevant factors include who planned the operation, issued binding instructions, determined the objective and timing, controlled the manner in which force would be used, monitored implementation, possessed authority to alter the operation, and could have prevented or stopped the conduct. This approach avoids the competing errors of automatically attributing every act to the United Nations because forces serve under its flag or automatically attributing every act to the contributing state because personnel retain their national military status.

Effective control should also be capable of recognizing that authority may change during different stages of an operation. Responsibility may consequently attach differently to strategic planning, tactical execution, supervision, and subsequent administrative response. A peacekeeping incident should therefore be disaggregated where necessary rather than treated as a single indivisible event. The entity responsible for a defective operational plan may not be the same entity responsible for an independent tactical deviation, and the entity responsible for the original act may differ from the entity responsible for failing to investigate it afterward. This functional differentiation produces a more accurate allocation of responsibility and limits the ability of institutional actors to evade accountability by pointing to the participation of others.

The possibility of dual or parallel attribution should also be accepted where the factual circumstances justify it. Modern peacekeeping operations frequently involve interconnected decision-making in which United Nations authorities and national authorities both influence the relevant conduct. Requiring exclusive attribution in every case may create artificial results inconsistent with the actual distribution of power. Where each entity independently exercises sufficient authority or contributes a separate wrongful element, each should bear responsibility for its own conduct. Shared responsibility should not be understood as duplicating liability or compensation but as ensuring that legal responsibility corresponds to the contributions of all relevant actors.

Responsibility must also extend beyond direct operational acts. Institutional omissions can be equally significant. Failure to supervise, investigate, preserve evidence, respond to known risks, establish adequate complaint mechanisms, or use available administrative powers may constitute a distinct source of organizational responsibility. Peacekeeping missions exercise extensive administrative authority, and such authority carries corresponding

duties. The absence of criminal jurisdiction over national military personnel does not eliminate the United Nations' obligation to use the powers it actually possesses. Likewise, the troop-contributing state cannot rely upon the international character of the mission to avoid national obligations relating to training, discipline, investigation, or prosecution. Each entity must act within its own sphere of competence, and divided authority must not become an excuse for institutional inaction.

The evidentiary difficulties surrounding effective control represent one of the most serious practical weaknesses of the existing system. Victims ordinarily lack access to command records, operational communications, mission reports, and national instructions. An accountability framework that requires proof of control while leaving all relevant evidence exclusively within the possession of the entities whose responsibility is questioned risks making attribution impossible in practice. Peacekeeping missions should therefore maintain comprehensive and reliable operational records, including command chains, significant instructions, incident reports, and decisions affecting the use of force. Independent investigative bodies and claims mechanisms should be granted sufficient access to such information to determine responsibility fairly.

The relationship between immunity and responsibility must also be clarified. United Nations immunity serves legitimate institutional purposes by protecting international functions from inappropriate interference by national authorities. It should not, however, be interpreted as eliminating substantive responsibility or placing the Organization outside the legal order. Immunity concerns the forum and procedure through which claims may be examined; it does not determine whether the underlying conduct was lawful. The most serious problem arises when immunity excludes national judicial jurisdiction without providing an effective alternative means of redress. In those circumstances, procedural protection risks producing substantive impunity.

A functional conception of immunity therefore requires effective alternative dispute-settlement and claims mechanisms. Persons injured by wrongful peacekeeping conduct should have access to procedures that are independent, impartial, reasonably transparent, and capable of providing meaningful remedies. Claims commissions, arbitration mechanisms, or other specialized bodies could preserve the institutional independence of the United Nations while preventing immunity from becoming a denial of justice. These mechanisms should possess clear jurisdiction, predictable procedures, reasonable time limits, access to relevant evidence, and authority to award appropriate reparation.

Reparation should form an integral part of peacekeeping accountability. Responsibility loses practical significance where wrongful harm is acknowledged but no meaningful remedy follows. Compensation may be required for personal injury, property loss, or other quantifiable damage, while serious violations may also require acknowledgment, investigation, institutional reform, or guarantees designed to prevent recurrence. Where both the United Nations and a troop-contributing state contributed to the wrongful conduct, mechanisms should be developed to ensure that disputes over the internal distribution of financial responsibility do not delay compensation to victims. The legal disagreement between institutional actors should not be transferred to the injured person.

Status-of-forces agreements and troop-contribution arrangements should therefore define authority and accountability more precisely. They should identify the respective responsibilities of United Nations command structures and national authorities, establish procedures for investigating incidents, regulate evidence preservation and transfer, specify reporting duties, and clarify the consequences of disciplinary and criminal jurisdiction. Such agreements cannot replace the factual assessment required by effective control, but they can reduce uncertainty and provide valuable evidence concerning the intended distribution of authority.

Predeployment screening and training should likewise be treated as central components of responsibility rather than secondary administrative matters. Peacekeeping personnel operate in sensitive environments where mistakes or abuse can produce severe consequences for civilians and for the legitimacy of the mission itself. The United Nations and contributing states should cooperate in establishing consistent minimum standards concerning humanitarian law, human rights, rules governing the use of force, host-state law, cultural awareness, professional conduct, and reporting obligations. Training should be accompanied by continuing supervision during deployment because compliance cannot be secured through predeployment instruction alone.

Investigative and disciplinary cooperation must also be strengthened. The United Nations should establish procedures ensuring rapid documentation of allegations, preservation of evidence, protection of witnesses, and transfer of relevant material to competent national authorities. Troop-contributing states should respond through timely and credible national proceedings where their jurisdiction applies. Regular reporting on the status and outcome of referred cases would reduce the possibility that misconduct disappears within a jurisdictional gap after repatriation. Organizational administrative accountability and national criminal responsibility should operate as complementary mechanisms rather than substitutes for one another.

Ultimately, the international responsibility of the United Nations for peacekeeping conduct should be governed by a simple underlying principle: legal responsibility should follow actual authority, institutional capacity, and breach of obligation. The multinational structure of peacekeeping makes the application of this principle technically difficult, but complexity cannot justify impunity. A credible legal framework must recognize functional attribution for organizational organs and agents, effective control for national contingents placed at the Organization's disposal, parallel responsibility where multiple actors independently contribute to wrongdoing, and responsibility for institutional omissions where reasonable preventive or corrective measures were available.

Peacekeeping remains one of the most visible manifestations of international institutional authority. Its effectiveness depends not only upon operational capacity but also upon legitimacy in the eyes of the populations whom missions are intended to protect. A system in which international forces exercise coercive powers without effective accountability would undermine both the rule of law and the moral authority of the United Nations. By contrast, a system that links authority with responsibility, immunity with alternative remedies, and operational independence with meaningful accountability can preserve the practical effectiveness of peacekeeping while ensuring that injured persons are not left without legal protection. The future development of peacekeeping law should therefore concentrate not on weakening legitimate institutional independence but on constructing a coherent framework in which the United Nations and troop-contributing states remain fully accountable for the powers they actually exercise.

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All authors equally contributed to this study.

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Transparency of Data

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