Personnel involved in peace operations are frequently required to perform their duties within inherently risky environments. The attack on the United Nations headquarters in Baghdad in August, 2003, killing 22 people, is clear evidence of this. The response by the UN Security Council illustrates the seriousness of the commitment of the international community to improving the levels of protection available to such personnel operating in these dangerous situations. In resolution 1502 the Security Council

5. **Expresses its determination** to take appropriate steps in order to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel, including, inter alia, by:

   (a) **Requesting** the Secretary-General to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of United Nations operations, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-missions and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;¹

The unequivocal willingness of those personnel, either on missions of state or representing intergovernmental organisations or non-governmental organisations, is instrumental to realising the twin aims of peace and security. Efforts to protect such people are not new, but it now appears to be a determined and genuine interest on the part of the international community to enforce, as well as enhance, their protection under international law.

The purpose of this study is to examine the contribution made by the 1994 Convention on the Safety of United Nations and Associated Personnel (hereinafter referred to as the Safety Convention) to the protection of personnel in peace

Chapter 1

2 In a larger perspective this study aims to systematise the protection of personnel in peace operations under international law and to identify strengths and weaknesses with the present system as well as some trends and developments in this area of law. The identifying and systematising of such norms may contribute to clarifying the legal protection of personnel in peace operations and thereby, it is hoped, contributes to the realisation of such protection in the field.

The Safety Convention is first and foremost a criminal law instrument and should be viewed against the background of the increasingly volatile environment in which peace operation personnel were required to operate at the beginning of the 1990s. In relation to other instruments protecting personnel in peace operations, it is mainly one of enforcement. Its purpose is to prevent and punish deliberate attacks on protected personnel. State parties are under a duty to ensure the safety and security of UN and associated personnel. The Safety Convention defines a number of criminal acts and obligates parties to the convention to criminalise such acts in their national legislation. Furthermore, it states that the personnel concerned shall not be the object “of any action that prevents them from discharging their mandate.” It is clearly a duty imposed upon states parties not to interfere, and to prevent others from interfering, with personnel in the execution of their official duties.

However, the drafters of the Safety Convention also aimed at other objectives. It therefore includes references to other legal areas concerned with the legal status of such personnel. The Safety Convention, however, has received criticism and was the subject of a review for the purpose of strengthening and enhancing its protective regime, and its development in this respect is of particular interest. In

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3 See, for example, UN Secretary-General, Supplement to An Agenda for Peace, position paper of the Secretary-General on the occasion of the Fiftieth Anniversary of the United Nations, paras. 15-16, UN Doc. A/50/60-S/1995/1, (1995).

4 Safety Convention, Article 7(1).