

THE PROTECTION OF CIVILIANS AND STABILIZATION IN PEACE
OPERATIONS MANDATES: AN ANALYSIS OF THEIR IMPACT ON
CONSENT, IMPARTIALITY, AND THE USE OF FORCE

Jane Boulden

This article examines two concepts that have been consistently incorporated into United Nations Security Council mandates in recent years: the protection of civilians and stabilization. The goal of the article is to examine the ways in which the inclusion of these concepts has generated tension with the overarching principles of peace operations: consent, impartiality, and the use of force only in self-defence. Based on the analysis the article concludes that both concepts put particular tension on impartiality and argues for an effort to redefine the concept of stabilization to be more precisely oriented towards state stabilization as distinct from stabilization of the existing government.

INTRODUCTION

The analysis in this paper derives from the assumption that in authorizing peace operations the United Nations Security Council and the Secretariat decision-makers that support it have remained consistent in using the three linked principles associated with traditional peacekeeping—consent, impartiality, and use of force only in self-defence—as the framework for their decisions about peace operations mandates. A second, linked, assumption is that when peace operations run into serious difficulties it is often in situations where the operational mandate's linkage to these principles has been weak, even wishful, or when the linkage between the principles and the operational mandate have been undermined by events on the ground once the operation is underway.

Establishing either assertion with any certainty based on events on the ground would involve a detailed study of a large number of peace operations case studies. That research exercise is well beyond the scope of this article. Instead, the objective of this article is to undertake a thematically-oriented analytical exercise aimed at establishing that two recent developments in peace operations mandates¹ put particular pressure on the foundational principles of peacekeeping. Both of these developments relate to the nature of the peace operations mandates that the Security Council has approved in the post-Cold War period, especially in the last 10 to 15 years. These are a sustained commitment to the principle of the protection of civilians (PoC) and a recent overt emphasis on stabilization as a goal in peace operations. I argue that both of these developments challenge the three principles that form the conceptual foundation of peace operations and thus bring with them the potential to undermine the likelihood of success. If this is the case, we need to reconsider how the PoC and stabilization concepts work, or not, with the three principles.

One of the other recent developments in peace operations mandates is what is sometimes termed the “robust turn” in the authorization of the use of force by the Security Council. This is also a significant development. It is, however, a development with an impact on the way in which the mandate is implemented as distinct from the nature of the mandate’s goals. The latter is the focus here, although the implications of the robust turn in the use of force are referenced.²

In the analysis that follows, the first section provides a brief outline of the origins and ideas behind the three founding principles of peacekeeping. The discussion then turns, in sequence, to the ideas of the protection of civilians and stabilization. In each case I outline the origins of these trends and analyze how they challenge the three principles. The third section pulls together the discussion, providing an analysis of what that challenge means, as well as a proposal for new thinking about the peace operations typology.

THE THREE PRINCIPLES

Background

At its origins, United Nations (UN) peacekeeping was based on three basic principles, sometimes referred to as the “trinity”³: the consent of the governments involved, impartiality, and the use of force only in self-defence. The principles were developed quickly, in an ad hoc manner, as the first

United Nations Emergency Force (UNEF I) was being created. They were more formally articulated by then Secretary-General Dag Hammarskjöld in a 1958 summary report on the UNEF experience provided to the UN General Assembly.⁴ Since the end of the Cold War, a series of UN reports have examined the evolution of peacekeeping in light of new developments and experiences, and made proposals for new approaches and policies. These include, but are not limited to, the Brahimi Report,⁵ the Capstone Doctrine,⁶ and the most recent, the High-Level Independent Panel on Peace (HIPPO) Report.⁷ A number of other documents also deal with these issues. For the purposes of this analysis, however, these three reports are used as primary sources, since they draw on documents and work done to that point and have each had a significant influence on thinking about these issues in the United Nations and among member states. Each also affirms the centrality of the three basic principles.

At the time of the creation of UNEF I in 1956, and in the context of the depth of the Cold War, decision-makers wanted to stay very firmly in the context of Chapter VI of the UN Charter (peaceful settlement of disputes) and away from Chapter VII (action with respect to threats to the peace). They held close the idea that Chapter VII was reserved for operations involving a full-scale use of force against an identified aggressor and was to be used only in that kind of situation. The UN had recent experience with an enforcement operation in the form of the UN-authorized US-led coalition operation in response to the North Korean invasion of South Korea in 1950.⁸ The operation was clearly partial—North Korea was the aggressor and needed to be pushed back. The use of force was what in current terms would be called “all necessary means.”⁹ Because the operation was partial, with a clear political objective, there was no need for the consent of the governments involved.

In 1956, the three principles of peacekeeping were thus designed to send a clear message to the parties involved and also to the international community more generally, that this new kind of operation was not intended to be an enforcement operation or to impose a political solution on the situation.

Consent, Self-defence, and Impartiality

The three principles each stand on their own merits but are inextricably linked in a mutually-reinforcing arrangement. The discussion in this section

describes each principle as it was articulated initially and how it has evolved since then.

The consent of the governments involved in the conflict was fundamental to the acceptability of the peacekeeping concept. Consent affirms the core Charter principle of state sovereignty. Any shift away from this idea raises the possibility that the mandate is moving into the realm of the enforcement measures of Chapter VII where consent is unnecessary. The idea of consent also reflects the assumption, prevalent during the Cold War, that states are the key conflict actors and that the UN's focus is inter-state conflict. The fact that the UN honoured the controversial 1967 Egyptian request for the removal of UNEF from its territory demonstrates the importance given to this principle at that time.¹⁰ In the post-Cold War period, the Security Council was more willing to authorize operations in intra-state conflicts. Conflicts such as those in the former Yugoslavia and Somalia quickly demonstrated that when dealing with warring groups in addition to state governments the question of whose consent is required and what to do when a party withdraws its consent is a complicated one. Experience since then in intra-state conflict situations has contributed to an acceptance that not all parties to a conflict need to provide consent for a UN operation. This assumption is reflected in the Capstone Doctrine, which states that operational deployment comes with the consent of the "main parties" to the conflict. It defines consent as requiring a "commitment by the parties to a political process and their acceptance of a peacekeeping operation mandated to support that process."¹¹

The need for the consent of the governments involved is linked to the requirement for the use of force only in self-defence. The idea that peacekeeping troops need only operate in self-defence is viable, since the consent of the parties involved implies their acceptance of the UN mandate and any peace or ceasefire agreements associated with that mandate. As long as the parties involved consent to the operation's presence, there is little likelihood that peacekeeping troops will need to use force at all. Relatively early on in the evolution of peacekeeping, in 1973, the concept of self-defence was expanded for the deployment of the second United Nations Emergency Force (UNEF II). The implementing instructions for this mission noted that "self-defence would include resistance to attempts by forceful means to prevent [UNEF II] from discharging its duties under the mandate of the Security Council."¹²

The fact that the troops are lightly armed and operating only on the basis of self-defence reaffirms to all the conflict parties that the peacekeeping troops will not be involved in bringing about political or military changes on the ground, other than those agreed to by the parties. In this way, consent and self-defence, in turn, are linked to the principle of impartiality. In his outline of the guiding principles for UNEF, Secretary-General Hammarskjöld did not use the word impartial. The use of that word to describe the characteristics now seen as falling under the impartial label came later. These characteristics were the idea that the peacekeeping force had “no intent... to influence the military balance in the ...conflict and, thereby, the political balance affecting efforts to settle the conflict.”¹³ The goal of the peacekeeping troops is solely to ensure the implementation of the mandate established by the United Nations.¹⁴ There is to be no sense that the operation has the ability or desire to alter the political situation on the ground broadly defined.¹⁵ The Capstone Doctrine and HIPPO Report both echo this approach. As the Capstone Doctrine indicates, “peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate.”¹⁶

During the Cold War, decisions about which states would contribute forces to the operation were governed by the impartiality principle. For the most part, this meant that permanent members were rarely troop contributors and that no states with special interests in the conflict were included. Ensuring that troop contributions met this bar also meant that the UN took full account of the views of the states involved in the conflict, sometimes rejecting offers of troops from states if the receiving state expressed objections. In the post-Cold War period, the requirement for a large number of troops to serve the massive expansion of peacekeeping operations meant that the need for troops has sometimes overridden the need to ensure states with links or interests have been excluded. This is particularly evident in the greater involvement of regional actors in responding to conflict in Africa, where states involved in the regional response may have an interest in a particular outcome to the conflict. On the question of the involvement of permanent members, the HIPPO Report called for an increased commitment of permanent members to peace operations, especially those involving the protection of civilians, on the grounds that this would demonstrate the level of commitment of the Security Council to the operation.¹⁷ The HIPPO Report did not address the question of how to assess whether permanent

members might have “special interests” in the conflict at hand.

EVOLUTION OF PEACE OPERATIONS IN THE POST-COLD WAR PERIOD: PROTECTION AND STABILIZATION

As the Cold War came to an end, along with the overlay of East-West animosity that had stalemated much of the work of the Security Council, the international community broadly shared the sense that the organization could now work in the way that the founders of the UN had originally envisaged. Indeed, the Security Council responded to the upsurge in intra-state conflict that took hold after the Cold War by authorizing a remarkably large number of operations in a relatively short period of time. Between 1948 and 1989, the UN authorized eighteen peacekeeping operations. In the four years between 1991 and 1995, the UN authorized another seventeen operations.¹⁸

While responding to the changed environment, the Council broadened the mandates of UN operations to include a wide variety of tasks.¹⁹ These included human rights monitoring, police training and support, election monitoring, monitoring and implementing disarmament tasks, and ensuring the delivery of humanitarian aid. The Council also authorized operations in response to a variety of conflict environments that were inherently complex and changeable. They did all of this while continuing to hew to the three founding principles of peacekeeping. In doing so, they created a number of tensions between those three basic principles and the articulated mandate for the missions in question. That tension was sometimes a contributing factor to failures and near-failures such as in Bosnia, Rwanda, and Somalia. Yet in the same period, and after, there have also been notable successes such as in Central America, Namibia, and Mozambique.

The multi-dimensionality of mandates, which was so novel in the early post-Cold War period, continues to be the norm in current peace operations. The Security Council continues to base the nature of their response on the three principles, however tangentially. The focus in this section is on the idea that in reacting to an increasingly complex operational environment and in including the protection of civilians and stabilization tasks in mandates, the Council may be pushing those principles to the breaking point.

Protection of Civilians

In the early days of peacekeeping, the protection of civilians was not

considered a core aspect of the mission. The focus was on maintaining buffer zones (i.e. United Nations Peacekeeping Force in Cyprus), monitoring ceasefires (i.e. United Nations Disengagement Observer Force and United Nations Truce Supervision Organization), and generally, by their presence, encouraging a de-escalation or at least a non-escalation of tension and fighting. As with anything associated with the UN, there are always exceptions. The UN's first peacekeeping mission in Africa, United Nations Operation in the Congo (ONUC), was a difficult mission that included no specific mandate for the protection of civilians, but did have a mandate to ensure law and order and prevent civil war.²⁰ In response to the complexity of an evolving situation on the ground, Secretary-General Hammarskjold provided interpretive instructions to decision-makers on the ground. His first point was that the mandate for the protection of law and order "authorized [the mission] to deploy troops to protect civilians when they were threatened by tribal war or violence."²¹

It was not until the end of the Cold War, however, and the experiences of missions in Somalia, the former Yugoslavia, and Haiti²² that the push towards the protection of civilians as a matter of practice and principle took hold. In particular, it was the inability of UN troops to take action to prevent ethnic cleansing in the former Yugoslavia and genocide in Rwanda that prompted a new focus on the inclusion of a specific mandate to protect civilians as part of peace operation mandates generally. In 1999, the UN Secretary-General established a high-level panel to examine the state of peacekeeping and make recommendations for the way ahead. In recognition of the damage done by the fact that mandates in the early post-Cold War period did not give peacekeepers the right to protect civilians, the Brahimi Report recommended that military or police members of peace operations "who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles."²³

Even prior to the publication of the Brahimi Report, the Security Council had begun to consider this issue in response to an extensive report by the Secretary-General.²⁴ On September 17, 1999, the Council passed Resolution 1265, which, *inter alia*, expressed its willingness to consider the protection of civilians in a wide range of situations of mandates.²⁵ Also in 1999, the Security Council explicitly included protection of civilians in the mandate for the UN Mission in Sierra Leone (UNAMSIL) and did so with

a specific Chapter VII authorization to “take the necessary action” for the protection of civilians as well as the freedom of movement of UN personnel.²⁶ Since then, the protection of civilians has become a mainstay in peace operation mandates. Building on past practices as well as current ones, it has also taken on the status of an emerging norm.²⁷

The extent of the UN’s commitment to this objective is linked to the direct connection between the protection of civilians and the UN’s goals as outlined in the Preamble of the Charter itself. In the Preamble of the Charter, member states commit, *inter alia*, to save succeeding generations from the scourge of war. But the UN’s commitment to the PoC also relates to a sense that the international perceptions of the legitimacy of the peace operation enterprise rise and fall in line with the ability of UN operations to ensure that massive violence against civilians does not occur on its watch. Recent research affirms this,²⁸ as does recent practice. An oft-cited example of the latter occurred in connection with the decision of the UN Secretary-General to fire the Kenyan commander of the United Nations Mission in South Sudan (UNMISS) for his failure to ensure the operation protected civilians during an attack in July 2016. In response, Kenya, a country with a long commitment to UN peace operations, withdrew its troops from the mission altogether.²⁹

The protection of civilians is a vital goal. Its inclusion in peace operations with multiple other mandate requirements, however, creates tension across all three of the foundational principles of peace operations. This is especially the case because the protection of civilians often involves either the anticipated or actual use of force. As implied with the example of the Kenyan experience in Sudan, the UN emphasis is on ensuring the protection of civilians above other requirements. The 2015 HIPPO Report also affirmed this prioritization, noting that while the core principles of UN peacekeeping are important, “they should never be an excuse for failure to protect civilians or to defend mission proactively.”³⁰

Once force is used, no matter the goal of its use, impartiality comes under strain. Members of different groups in the conflict, especially a group against whom force is used, have difficulty viewing the use of force as an impartial act in pursuit of the operational mandate. This problem is compounded in situations where the group in question did not consent to the UN operation in the first place. The use of force by UN troops may thus prompt groups to take a stronger stand, possibly including the use of

violence, against UN forces or against civilians, generating a new cycle of violence.

The idea of protection also puts a strain on the principle of consent. There are instances, for example, where UN troops may be intervening to protect civilians against abuses by government forces. This in turn creates significant dilemmas for UN troops on the ground, whose mandate may include support to government forces. This situation has occurred in the context of the Mission in the Democratic Republic of the Congo (MONUC),³¹ which undertook a number of innovative measures with respect to the protection of civilians even while the tension between both aspects of its mandate (protection of civilians, support for the government) continued to challenge the operation.³²

Stabilization

A number of peace operations have included the word “stabilization” in their formal titles, beginning with the Stabilization Force in Bosnia and Herzegovina (SFOR), which was in place from 1996-2005. Since then, the UN has created the United Nations Stabilization Mission in Haiti (MINUSTAH, 2004-2017), United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO, 2010-ongoing), the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA, 2013-ongoing), and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA, 2014-ongoing). Depending on how the term is defined, many other UN operations might be included as stabilization operations. The 1960-1964 Congo peacekeeping operation (ONUC) could, for example, be considered a stabilisation mission. Its initial mandate included internal stability and support for law and order. This was later expanded to include the prevention of civil war.³³ While stabilization may not be new as a component of operational mandates, what is new is the prioritization being given to it as a mandate objective.

In 2008, the Capstone Doctrine included stabilization as part of the “core business” of what was termed “multi-dimensional” peacekeeping operations.³⁴ In 2015, the HIPPO Report noted the recent increased use of the term “stabilization” informally and formally with respect to some UN peace operations, and the lack of definition of the term. As the report indicated, the understanding of what is meant by this term varies widely and

needs clarification, an opinion shared by other analysts.³⁵ At its most basic stabilization is understood to mean what it says—stabilization as a goal.³⁶ Part of the difficulty arises with respect to who or what is being stabilized. The situation? The state? The particular government of the state?

The 2005 World Outcome Document affirmed that the protection of civilians is first and foremost the responsibility of the government.³⁷ It is logical, then, that the inability of governments to fulfill that task has contributed to the increased focus of the United Nations on stabilization in peace operations. In some ways, moves towards the goal of stabilization reflect recognition on the part of UN decision-makers that peace operations in intra-state conflicts are unlikely to be able to end in the near term or contribute to long term success if the state in question is too weak—too unstable—to consolidate and maintain the gains made. It also reflects the extent to which UN operations have become involved in intra-state conflict. The extent and nature of that involvement was unforeseen by the creators of peacekeeping. In fact, in his 1958 discussion of the principles of peacekeeping as established in the creation of UNEF, Hammarskjöld made clear that the principles of peacekeeping “preclude[d] the employment of United Nations elements in situations of an essentially internal nature. As a matter of course, the United Nations personnel cannot be permitted in any sense to be a party of internal conflicts.”³⁸

Hammarskjöld’s rule about involvement in internal conflicts has been left aside by the Security Council in a number of instances in the evolution of peacekeeping. This included the 1960-1964 ONUC operation, which occurred under his watch. The bending of this rule has generally been done by linking internal situations to international peace and security threats, thereby bringing them under the Charter’s international peace and security provisions.³⁹ Regardless of the legal linkages that make the classification of internal as international possible, current UN peace operations are most often dealing with internal conflicts.

In that context, stabilization simultaneously makes sense and creates significant pressure on the concept of impartiality, since in a stabilization mission the UN operation is clearly working on the side of the government. In situations where full peace agreement may not yet be reached, or where a peace deal starts to fall apart, a stabilization mandate makes the UN operation a party to the conflict in the sense that they have an allegiance to a particular group. This problem is compounded by the fact that stabilization

missions are also often occurring in situations that the HIPPO Report calls “conflict management.” Conflict management situations also put pressure on the idea of consent, since they are situations where conflict is ongoing or the peace process has broken down. This means that consent may be given by the government in question but is not given, or has not been upheld by all the parties to the conflict. A conflict management situation, by its nature, means that the use of force is highly likely. As with the protection of civilians, the very fact of the use of force strains or threatens impartiality by placing UN forces in opposition to one or more of the conflict groups. The fact that the UN troops are also working to stabilize the government makes the perception of impartiality even more difficult to maintain.⁴⁰

Impartiality is important not just for the operation on the ground. Even if we accept these pressures on the foundational principles as a necessary aspect of the situation, we must take into account that the perception of partiality is likely to extend beyond the troops involved in the UN operation to other UN actors, making it difficult for them to act as impartial facilitators or mediators in ongoing or follow-on peace processes.⁴¹ In ongoing “conflict management” situations this thus expands the impact.

THE MANDATE CAPACITY GAP

A compounding issue is the tradition of lack of adequate support of UN operations. Unfortunately, one of the most consistent characteristics of post-Cold War UN peace operations is that they are rarely staffed or equipped to the level required. This is partly due to the sheer number of operations managed by the UN at any one time, but it also relates to the inherent ad hoc nature of the peacekeeping process where each operation begins from zero in seeking contributions. The changing environment for peace operations, the rising expectations of what they are to achieve (including stabilization), and the requirement to be prepared to use force well beyond self-defence, all contribute to a need not just for sufficient numbers of troops but for sufficiently capable and sufficiently resourced troops, meaning troops able to respond to the situation in which they are deployed. These same characteristics increase the risk levels for troop contributing countries, prompting hesitation and resistance. This is a high bar for the UN to overcome.

The HIPPO Report drew attention to this issue, calling it a “credibility gap.” With specific reference to the protection of civilians as a “core obligation” for the Organization, the report stated that “on the ground the results

are mixed and the gap between what is asked and what peace operations can deliver has widened in more difficult environments.”⁴² Agreeing that the UN must “rise to the challenge” of protection, the HIPPO report notes that the Organization must do so “with recognition of its limits.”⁴³

CONCLUDING THOUGHTS

The Foundational Principles Under Challenge

These developments, along with others not dealt with here, such as the robust turn in the use of force, create a situation where the nature of peace operations mandates put the three founding principles under challenge. In particular, both the prioritization of the protection of civilians and the emphasis on stabilization as a mission goal put impartiality under tremendous pressure. They do so while the authorization of the use of force well beyond self-defence is standard practice, and the nature of mandates make it increasingly likely it will be used.⁴⁴ This puts added tension on the idea of consent, especially when there are multiple parties involved in a conflict, not all of whom may have “consented” to the UN presence.

The protection of civilians, as an objective, obscures the fact that peace operations are never about imposing a solution to a conflict in a direct sense. When the Security Council authorizes an operation, it does so in support of a ceasefire or a peace agreement or some other kind of political settlement that has been reached by the parties in question. The operation is geared towards supporting that agreement or process, however rudimentary, ill-conceived, or sometimes ill-fated it might be. By one measure this is where impartiality is grounded—the Security Council is supporting a process being pursued by the parties to the conflict, not imposing a political solution or specific outcome that the Council itself has determined is required.

Stabilization potentially represents a more fundamental challenge to the impartiality principle, because it pushes past that line by aligning the Security Council and the operation it has authorized with the government of the state in question. Further detailed case study research is needed to confirm whether practice bears out this conceptual argument and if it is correct to determine in what specific ways impartiality and stabilization are incompatible.

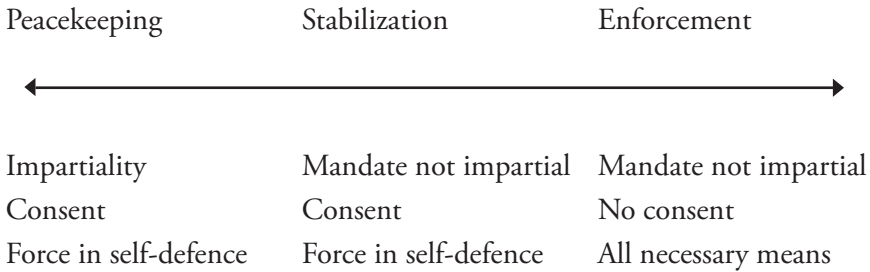
At the conceptual level, if the forgoing analysis holds, the advent of stabilization as a central task in peace operations suggests the need to articulate and implement a new category of operations that lie somewhere

between peacekeeping and enforcement. The shift would involve giving up the principle of impartiality for these types of operations. These operations still require the consent of the government involved and are likely to involve a robust use of force. They are still likely to be linked to some form of peace agreement. In other words, they would retain two of the three basic principles. However, the stabilization operation would no longer occur under a framework that included a claim to impartiality at the mandate level.

What would this look like? As indicated above, impartiality is multi-dimensional in that it can, and should, be applied at different levels of the operation. The mandate, for example, can be judged as to its impartiality, while the impartiality of the implementation of the mandate must be judged separately.⁴⁵ Mandate impartiality is non-existent when the mandate involves a judgement made by the Council about the desired outcome of the conflict situation. This is the realm of full-scale Chapter VII enforcement. Thus, in 1950, the Korean operation was given the task of pushing the North Korean troops back across the 38th parallel. And, in 1991, the US-led coalition operation was asked to push Iraq back out of Kuwait. In each case, the Security Council authorized an operation based on support of one party and a requirement for a change in behaviour of the other, the decision being enforced through military means. These types of enforcement mandates are different than a mandate that is based on the terms of a peace agreement or ceasefire to which the parties to the conflict have agreed. In peace operations, the Council works in support of all the parties to the conflict who themselves have made a decision about how to proceed and who ask for UN support in making that happen. Here, mandate impartiality applies.

If we use full-scale enforcement as a baseline from which non-enforcement operations are defined, as was done by Secretary-General Hammar-skjold and those who established the guidelines for the first peacekeeping operation, a revised typology of operations might look like the one outlined below in Figure 1.

Figure 1: Proposed Peace Operation Spectrum



This is a rough typology. Peacekeeping operations as a category here refers to peacekeeping broadly defined. One could develop a more nuanced typology by breaking down that category to add post-Cold War operations under the broader definitions of consent. For example, the peacekeeping category could be broadened to distinguish operations where consent of the main parties but not all the parties is in place, as distinct from traditional peacekeeping where consent of all parties is in place and where the parties tend to be governments.

Sticking with the conceptual approach, an additional way to clarify the intention of stabilization as a goal is to incorporate a definitional distinction that places greater emphasis on state stabilization. This would diminish the focus on the government of the moment, thereby helping to soften the sense of the UN siding with the particular government in power. This would involve articulating and emphasizing a definition of the state in a holistic manner. Under this approach stabilization would be articulated as the focus on all of the elements of the state—its territory, population, and institutions, as well as the government itself. However, in this approach the government is only one piece of the puzzle. While conceptually clearer in practical terms, this kind of analytical distinction is likely to be difficult to implement in practice.

The articulation of a more varied spectrum of peace operations responds to the HIPPO Report’s call for the UN to use the “full spectrum” of UN peace operation tools more flexibly,⁴⁶ as well as its call on the UN to tailor

its approach so to “embrace a more nuanced analysis of the complex drives of the conflict.”⁴⁷

It also reflects a statement made by Secretary-General Hammarskjöld at a press conference in 1959. In response to a question about the desirability of a permanent peacekeeping force for UN he resisted the idea, saying “We need really to cut the suit to the body ... more carefully in these various cases ... That is to say, to have one ready-made suit hanging somewhere in New York ... and to hope that it will fit the situations in various part of the world is just to dream. We cannot afford, or usefully have, a wardrobe sufficiently rich and varied to be able to pick out just the right suit as the situation arises. It is much better to have the cloth and go into action as a good tailor quickly when the need arises.”⁴⁸

The idea of avoiding templates and tailoring peace operations to specific situations is not new. However, the HIPPO Report’s note that terms such as “peacekeeping operations” are “ingrained in mindsets and the bureaucracy of the UN”⁴⁹ alludes to an ongoing resistance to giving up the adherence to the core principles of peacekeeping. The analysis here suggests that there is no need to give up those principles. They still have value and importance. What is needed is recognition that the maintenance of those principles in certain situations or under certain kinds of mandates may cause more problems than it helps to resolve. To that end, greater conceptual clarity and analysis of the relationship between mandate principles and goals is required.

ENDNOTES

1. Terminology remains a problem in this area of work in that no fully agreed set of terms with clear definitions is available. For the purposes of this article “peace operations” is used as a blanket term encompassing UN-authorized uniformed operations short of full-scale Chapter VII enforcement operations (of which there have only been two, the operation in Korea in the 1950s and the operation to overturn Iraqi aggression against Kuwait in 1991).
2. Alex J. Bellamy and Charles T. Hunt, “Twenty-First Century UN Peace Operations: Protection, Force and the Changing Security Environment,” *International Affairs* 91, no. 6 (2015): 1277-1298.
3. The United Nations Capstone Doctrine calls them “*basic principles*.” See Chapter 3, United Nations Department of Peacekeeping Operations and Department of Field Support, *United Nations*

Peacekeeping Operations, Principles and Guidelines, 2008, http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf [hereafter the Capstone Doctrine]. The United Nations High-Level Independent Panel on United Nations Peace Operations (HIPPO) refers to them as “core principles.” High-Level Independent Panel on United Nations Peace Operations, *Uniting our Strengths for Peace—Politics, Partnership and People*, 16 June 2015, para. 121 [hereafter, the HIPPO Report].

4. United Nations General Assembly, “Summary Study of the Experience Derived from the Establishment and Operation of the Force: Report of the Secretary-General,” A/3943, 9 October 1958.
5. United Nations, *Report of the Panel on United Nations Peace Operations*, S/2000/809, 21 August 2000 [hereafter the Brahimi Report]. The report can be found separately but is available as S/2000/809, 21 August 2000.
6. Capstone Doctrine.
7. HIPPO Report.
8. Jane Boulden, *Peace Enforcement* (Westport, CT: Praeger, 2001).
9. Security Council Resolution 82, June 25, 1950; Security Council Resolution 83, 27 June 1950.
10. Stuart S. Malawer, “The Withdrawal of UNEF and a New Notion of Consent,” *Cornell International Law Journal* 4, no. 1 (1970), <http://scholarship.law.cornell.edu/cilj/vol4/iss1/2>.
11. Capstone Doctrine, p. 31. The HIPPO Report notes that “consent of the government is fundamental” and that consent of “other parties remains an important objective of any mission and should be pursued to the extent possible.” HIPPO Report, para. 124.
12. “Report of the Secretary-General on the Implementation of Security Council Resolution 340 (1973),” S/11052, 26 October 1973, para. 4 (d); Katherine E. Cox, “Beyond Self-Sefence: United Nations Peacekeeping Operations & the Use of Force,” *Denver Journal of International Law and Policy* 27, no. 2 (Spring 1999).
13. A/3302, 6 November 1956, para. 8, as quoted in “Summary Study,” *supra* note 11, para. 12.

14. Emily Paddon, Rhoads, *Taking Sides in Peacekeeping*, (Oxford, UK: Oxford University Press, 2016); Jane Boulden, "Mandates Matter: An Exploration of Impartiality in United Nations Operations," *Global Governance* 11, no. 2 (April-June, 2005): 147-160.
15. This is distinct from the role that UN personnel might and often do play in promoting ceasefires and other kinds of local political agreements.
16. Capstone Doctrine, 33; HIPPO Report, para. 123.
17. HIPPO Report, para. 199.
18. United Nations, List of Peacekeeping Operations, 1948-2017, https://peacekeeping.un.org/sites/default/files/unpeacekeeping-operationlist_1.pdf.
19. This development is extensively covered in the literature.
20. United Nations Security Council Resolution 145, 22 July 1960; United Nations Security Council Resolution 161, 21 February 1961.
21. The summary of Secretary-General Hammarskjold's instructions is provided in Brian Urquhart, *Hammarskjold* (New York, NY: W.W. Norton & Co., 1971), 561.
22. See, for example, Philippe R. Girard, "Peacekeeping, Politics, and the 1994 UN Intervention in Haiti," *Journal of Conflict Studies* XXIV, no. 1 (2004).
23. Brahimi Report, para. 62. One of the outcomes of these events was the revision of the "UN Master List of Numbered Rules of Engagement" to include the authorization of the use of force "up to and including deadly force, to defend any civilian person who is in need of protection against a hostile act or hostile intent, when competent local authorities are not in a position to render immediate assistance." As quoted in Haidi Willmot and Scott Sheeran, "The Protection of Civilians mandate in UN peacekeeping operations: reconciling protection concepts and practices," *International Review of the Red Cross* 95 (2013): 530.
24. "Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict," S/1999/957, 8 September 1999.

25. Security Council Resolution 1265, 17 September 1999.
26. Security Council Resolution 1270, 1999, para. 14, 22 October 1999, 3.
27. Lisa Hultman, "UN Peace Operations and Protection of Civilians: Cheap Talk or Norm Implementation?" *Journal of Peace Research* 3, no. 1 (2013): 59-73.
28. Hultman, "UN Peace Operations and Protection of Civilians."
29. For information on the UN response see: <http://www.un.org/apps/news/story.asp?NewsID=55471#.Wb7X24xSxPY>. News of Kenya's withdrawal is covered here: "Kenya withdraws first batch of troops from UN South Sudan mission," <http://www.reuters.com/article/us-southsudan-un/kenya-withdraws-first-batch-of-troops-from-u-n-south-sudan-mission-idUSKBN1342AH>.
30. HIPPO Report, para. 122.
31. In 2010, the United Nation Mission in the Democratic Republic of the Congo (MONUC) became the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).
32. For an excellent overview, see the report by Alan Doss, the Special Representative of the Secretary-General in the DRC. Alan Doss, "MONUC and Civilian Protection in the Democratic Republic of the Congo," in *The UN Security Council and the Responsibility to Protect: Policy, Process, and Practice*, eds. Christoph Mikulaschek and Hans Winkler (Vienna AT: International Peace Institute, 2010), https://www.ipinst.org/wp-content/uploads/publications/favorita_paper_2010.pdf.
33. Security Council Resolution 143, 14 July 1960; Security Council Resolution 145, 22 July 1960; Security Council Resolution 145, 22 July 1960; Security Council Resolution 161, 21 February 1961; Jane Boulden, "United Nations Operation in the Congo (ONUC)," in *The Oxford Handbook of United Nations Peacekeeping Operations*, eds., Joachim Koops, Norrie MacQueen, Thierry Tardy, and Paul D. Williams, (Oxford, UK: Oxford University Press, 2015): 160-170.
34. Capstone Doctrine, 23-26.

35. HIPPO Report, para. 111, Also see, for example, Aditi Gorur, *Defining the Boundaries of UN Stabilization Missions* (Washington, DC: Stimson Centre, 2016), <https://www.stimson.org/sites/default/files/file-attachments/Defining-Boundaries-UN-Stabilization-Missions.pdf>; Arthur Boutellis, “Can the UN Stabilize Mali, Towards a UN Stabilization Doctrine,” *Stability: International Journal of Security & Development*, June 2015, <https://www.stabilityjournal.org/articles/10.5334/sta.fz/>.
36. John Karlsrud defines stabilization as “using military means to stabilize a country, often with all necessary means to neutralize potential ‘spoilers’ to a conflict.” John Karlsrud, “The UN at War: Examining Consequences of Peace-Enforcement Mandates for the UN Peacekeeping Operations in the CAR, the DRC and Mali,” *Third World Quarterly*, 37, no. 1 (2015): 40-54.
37. United Nations General Assembly, A/RES/60/1, 24 October 2005.
38. Summary study, A/3943, para. 166.
39. For example, in authorizing the US-led unified task force mission to Somalia, the Security Council made reference to the magnitude of the humanitarian tragedy as being a threat to international peace and security. Security Council Resolution 794, 3 December 1992.
40. Mateja Peter argues that the lack of consent from all parties also itself means a lack of impartiality. Mateja Peter, “Between Doctrine and Practice: The UN Peacekeeping Dilemma,” *Global Governance* 21, no. 3 (2015): 351-370.
41. HIPPO Report notes that in some instances the UN must “restore its role as an impartial actor in some regions and conflict zones, which impinge on its capacity to lead political processes and negotiations,” 8.
42. HIPPO Report, ix.
43. HIPPO Report, ix.
44. The three recent stabilization missions have all involved the use of force: MINUSTAH, MONUSCO, and MINUSMA. Mats Berdal and David H. Ucko, “The Use of Force in UN Peacekeeping Operations,” *The RUSI Journal* 160, no. 1, 6-12; Mats Berdal, “The State of UK

Peacekeeping: Lessons from Congo,” *The Journal of Strategic Studies* 41, no. 5 (2018): 721–750; Bellamy and Hunt, “Twenty-first century UN peace operations.”

45. Boulden, “Mandates Matter”; Rhoads, *Taking Sides in Peacekeeping*. Various UN reports tend to focus on the impartiality of implementation rather than impartiality of the mandate. For example, see the HIPPO Report, which calls for even-handedness with respect to the UN operation’s approach to the parties to the conflict (para. 123). The earlier Capstone Doctrine uses the same definition. Capstone Doctrine, 33.
46. HIPPO Report, 9.
47. HIPPO Report, 13.
48. Andrew W. Cordier, Wilder Foote, eds., *Public Papers of the Secretaries General of the United Nations Vol 4: Dag Hammarskjold, 1958–1960* (New York, NY: Columbia University Press): 362.
49. Cordier and Foote, *Public Papers*, 12.