

# United Nations Peacekeeping and the Principal of Non-Intervention: A TWAIL Perspective

by Jennifer Giblin

NUST Journal of International Peace & Stability  
2025, Vol. 8(1) Pages 135-138



njips.nust.edu.pk

DOI: <http://doi.org/10.37540/njips.v8i1.196>

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This comprehensive review of *United Nations Peacekeeping and the Principle of Non-Intervention: A TWAIL Perspective* by Jennifer Giblin offers an in-depth examination of the evolution of United Nations peacekeeping operations and their relationship with the principle of non-intervention, viewed through the lens of Third World Approaches to International Law (TWAIL). The author poses a rhetorical question regarding whether the United Nations Peacekeeping Missions (UNPKMs), in their efforts to conduct robust and multifaceted stabilization operations, genuinely adhere to the principle of non-intervention and respect the sovereignty of member states. In scrutinizing contemporary peacekeeping practices, Giblin invites readers to critically assess how these missions often overstep their legitimate mandate, infringing on state sovereignty and blurring the boundaries between peacekeeping and intervention.

The book employs TWAIL as its primary theoretical framework, supplemented by Critical Legal Theory. TWAIL provides a lens to interrogate the relationship between peacekeeping and intervention by exposing the inherent inequalities in international law and the systemic exploitation and oppression of third-world countries, often referred to as the Global South, by dominant Western states. Critical Legal Theory further complements this analysis by exploring how international law is susceptible to manipulation, frequently serving the interests of powerful states at the expense of less privileged nations.

In Chapter 2, the author explores the indiscriminate application of the principle of non-intervention, a concept rooted in the Peace of Westphalia, which marked the conclusion of the Eighty Years' War and established state sovereignty as a foundational tenet of international relations. This principle theoretically prohibited external interference in the internal and external affairs of states. However, European powers, under the guise of the 'White Man's Burden,' circumvented this principle through 'civilizing missions' that legitimized their interventions in non-European states

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**Received** 24 December 2024; **Revised** 15 January 2025; **Accepted** 22 January 2025; **Published online** 31 January 2025

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during the colonial era. This historical trend, later conceptualized by Antony Anghie as the “Dynamics of Difference,” rendered non-European nations vulnerable to control and exploitation (Anghie, 2005, as cited in Giblin, 2024, p.17).

The chapter further examines the post-colonial period, during which the decolonization of Africa and Asia led to the emergence of newly independent states. These states achieved sovereign status and became subject to international law, including the principle of non-intervention. However, the author critiques how the United Nations, established to ensure collective security among member states, has facilitated disproportionate interventions, particularly under the ‘Responsibility to Protect’ (R2P) doctrine. This doctrine emerged in response to failures such as those in Rwanda and Srebrenica, where the international community failed to prevent mass atrocities.

The chapter critically examines the United Nations Security Council (UNSC) and its peacekeeping mandates, emphasizing the significant influence exerted by dominant states, particularly the Permanent Five (P5) members, in shaping these mandates. The author contends that the conflation of peace enforcement and state-building efforts, often conducted under coercive pretenses, undermines the sovereignty of the affected states. Rather than resolving conflicts, such interventions frequently perpetuate the issues they aim to address. The chapter concludes by advocating for a more nuanced, context-specific approach to peacekeeping that adheres to international law and respects state sovereignty.

The next chapter, titled *‘Peacekeeping—In Search of a Legal Framework,’* explores United Nations peacekeeping operations’ evolving legal foundations and limitations. Initially designed as passive and non-discriminatory mechanisms, peacekeeping operations have significantly transformed. These developments stem from applying Chapters VI and VII of the UN Charter, with occasional references to Chapter IV. Chapter VI, concerning the Pacific Settlement of Disputes, emphasizes peaceful resolution mechanisms. However, the UNSC’s increasingly frequent invocation of Chapter VII, which addresses ‘breaches or threats to peace,’ has redefined traditional peacekeeping boundaries, introducing coercive measures to maintain international peace (Giblin, 2024, p.78).

The legal framework of peacekeeping is built upon three core principles: consent, impartiality, and the non-use of force, collectively referred to as the ‘Holy Trinity.’ These principles delineate peacekeeping from intervention. The principle of consent ensures that host states authorize UN missions, thereby legitimizing their presence. However, in intra-state conflicts, the host state’s inconsistent cooperation complicates this principle, often resulting in quasi-coercive roles, particularly in hybrid ‘Chapter VII and a half’ missions that blend peacekeeping and enforcement.

Impartiality, another foundational principle, prohibits peacekeepers from favoring any party in a conflict. Nevertheless, the author critiques its application in modern political peacekeeping missions, contrasting earlier operations, such as the 1956 United Nations Emergency Force (UNEF), which were perceived as more neutral and objective. Contemporary missions, in contrast, are criticized for their operational demands and alignment with host governments, which compromise their neutrality and exacerbate tensions between peacekeeping mandates and the principle of non-intervention.

The principle of the non-use of force, initially restricting peacekeepers to employing force solely in self-defense, has evolved to include more robust, offensive operations. This shift permits using force to protect civilians and enforce mission

mandates. However, this development has drawn criticism for its potential to breach the principle of non-intervention, as such actions may be perceived as coercive interventions in the host state's affairs.

Chapters 5 and 6 of the book critically evaluate the practical application of the legal principles of consent, impartiality, and the non-use of force alongside the normative frameworks of the Protection of Civilians (PoC), democracy promotion, and the prohibition of Sexual Exploitation and Abuse (SEA) in United Nations peacekeeping missions deployed in the Democratic Republic of Congo (DRC).

The author provides an in-depth analysis of the evolving nature of these legal principles and normative frameworks in the context of three peacekeeping operations in the DRC: the United Nations Operation in the Congo (ONUC) in 1960, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in 1999, and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in 2010. The discussion highlights the significant transformation of peacekeeping operations over time. Beginning with ONUC, a traditional, observational mission, the evolution is marked by using unprecedented levels of force in both strategy and tactics in MONUC and MONUSCO. Although these later missions were designed to support state-building, ensure civilian protection, and maintain security, they increasingly relied on coercive measures to implement changes within the host state.

The author argues that these expanded mandates often reinterpret or extend the legal principles—particularly impartiality and the non-use of force—resulting in actions that challenge the boundaries of peacekeeping and the principle of non-intervention. The host state's consent, granted before the deployment of these missions, is identified as the sole factor preventing these operations from fully breaching the principle of non-intervention. Once consent is secured, the missions can continually evolve and expand in the field, effectively transforming into what the author terms 'Hybrid Peacekeeping Interventions' or 'Interventions by Invitation.' The author states, "These missions can continually expand and evolve once in the field, without violating the principle of non-intervention, because of this initial consent" (Giblin, 2024, p. 206).

In the final chapter, the author proposes adopting more realistic and streamlined mandates and a people-centric approach to peacekeeping to address the challenges encountered in contemporary peacekeeping operations. This recommendation emphasizes the importance of aligning peacekeeping practices with the evolving needs of host states while ensuring adherence to international law and the preservation of state sovereignty. This book provides a comprehensive examination of the evolution of UN Peacekeeping, employing the TWAIL framework to critique the Western-centric narrative. It offers a critical analysis of the entrenched power dynamics that shape peacekeeping missions, highlighting how these missions often serve the interests of dominant states by legitimizing interventions in weaker states. However, while the book provides an insightful critique, TWAIL exhibits inherent biases that cannot be overlooked. In its focus on challenging power imbalances in international law, TWAIL sometimes overlooks the positive impacts and the necessity of intervention in certain circumstances, as well as the genuine humanitarian efforts made in host states.

The DRC, with one of the longest-standing peacekeeping missions, not only grounds the author's argument in real-world examples but also vividly illustrates the evolution of peacekeeping operations. The transition from a traditional, passive peacekeeping approach in early missions to a more interventionist stance in later

missions is effectively depicted. However, the generalizability of the book's findings regarding the relationship between peacekeeping and intervention may be questioned, as they rely heavily on a single case study and may not apply to other contexts with differing factors. Despite these limitations, the book provides significant insights into the formation and evolution of the Principle of Non-Intervention and UN Peacekeeping. It highlights the ongoing dilemma the UN faces in balancing the respect for host states' sovereignty with the need to prioritize international stability and the challenges this balance poses to the Principle of Non-Intervention.

**Conflict of Interest:** The author declares no conflict of interest.

**Funding:** This research received no external funding.