

# Intervention Brigades in United Nations Peacekeeping Operations and Challenges Posed to International Humanitarian Law

NUST Journal of International  
Peace & Stability  
2021, Vol. 4(1) Pages 1-13  
njips.nust.edu.pk

\*Verda Ahmed<sup>1</sup>

## Abstract

In recent decades, the United Nations (UN) has directed its peacekeeping operations to be practice-driven. This has led to an alternative approach to state-military contacts, such as those provided by the United States and other nations; the UN is more inclined to consolidate and strengthen its liaisons through Intervention Brigades. The efficacy of these brigades lies in providing military assistance to UN operations and catering to logistics, training, and advice. Advocates of peace, the UN peacekeeping operations (UNPKOs) are based on consent, impartiality, and non-utilization of force (excluding times of civilian protection and self-defense). However, as Intervention Brigades gain momentum, 'robust' peacekeeping is becoming more regulated; thus, promoting 'force' against rebel groups and/or militias. When aligned with robust Intervention Brigades, which utilizes more force than lawfully permitted, UN peacekeeping (UNPK) missions question these operations' credibility, thus blurring the conceptual difference between peacekeeping and peacebuilding. Conspicuously, this exploits the traditional principle of impartiality using hard power and violates the International Humanitarian Law (IHL). Exemplifying through the case study of the Democratic Republic of Congo (DRC), this paper aims to discuss the abovementioned discrepancy resulting in complications for the discipline of Peace and Conflict Studies (PCS). As the discipline promotes achieving peace through 'soft' means, the paper reviews the subject under Chapter VI & VII of the UN charter and highlights the grey areas of IHL applicability in UN peacekeeping and Intervention Brigades.

## Keywords

Intervention Brigades; Robust Peacekeeping; International Humanitarian Law (IHL); DR Congo; Peace and Conflict Studies

## Introduction

The United Nations Peacekeeping Forces (UNPKF/UNPK) were established after creating the United Nations Emergency Force (UNEF) in the aftermath of the November 1956 Suez Canal crisis. It is indispensable and is deemed necessary to

---

<sup>1</sup> Verda Ahmed is currently pursuing her Masters in Peace & Conflict Studies at the Centre for International Peace and Stability (CIPS), National University of Sciences and Technology (NUST), Islamabad.  
E-mail: [a.verda96@gmail.com](mailto:a.verda96@gmail.com)

keep in mind the modernity of this phenomenon inculcated in the realms of international relations discipline. This has also played a critical role as the moderator of the newly found discipline of PCS and conflict resolutions. The term 'peacekeeping' is formally defined as "Field operations established by the UN, with the consent of the parties concerned, to help control and resolve conflicts between them, under UN command and control, at the expense collectively of the member states, and with military and other personnel and equipment provided voluntarily by them, acting impartially between the parties and using force to the minimum extent necessary" (Goulding, 1993, p. 455). The core concept behind the creation of peacekeeping missions is to find or create an applicable idea as visualized in Chapter VII of the UN Charter (which reports on the threats to and breaches of peace). Following the Charter, the UNPK mandate primarily sets upon three traditional doctrines: non-use of force (except in self-defense and civilian protection), impartiality, and consent of the involved parties.

Recognized in 1958 by the then UN Secretary-General, Hammarskjöld, the global dynamics fundamentally altered the premise of UN peacekeeping. This shift was observed in several operations after the Cold War, particularly during the Opération des Nations Unies au Congo (ONUC), 1960-64 (Kaya, 2015). As formerly mentioned, UNPK was *created* as an amalgamated solution to many issues; it was a gradual process that evolved over an extended period of time, bringing about additional and minor changes. Over time, this process has come to be termed as path-dependence (Hatto, 2013). The concept is relatively familiar to public policy, which identifies it as a process by which a policy or a practice becomes entrenched and very hard to modify as stated, "more obstacles existed in the peacekeeping process in the post-cold war phase when compared with the cold war period" (Mishra, 2013, p. 112). The steady and continual process of changes in UN peacekeeping's mandate and its increasing multi-functionality with the formally instituted Department of Peacekeeping Operations (DPKO, established in 1992) portrayed the escalating importance of peacekeeping operations and functions. With these expansions and modifications, the violations of human rights and vast multiple failures of UN peacekeeping missions bore the idea of robust peacekeeping and the introduction of the role of Intervention Brigades which, over the years, have played a significant role in UN's mediation in the cases of the former Yugoslavia (1991), Iraq (1991), and the DRC (1960) to name a few.

The Brahimi Report, formally known as the Panel Report on United Nations Peace Operations, identifies the rationale based on which UNPKO are acknowledged to become more robust (Durch, Holt, Earle, & Shanahan, 2003). The push for robustness initially is considered to have come from Chapter VII of the UN Charter, which appropriately allows the use of all necessary means. This has become a *legal* narrative behind the established idea of using force as a *tactical* initiative to broaden the multidimensional aspect of catering to the peacekeeping operation. However, the dialogue of using force and Intervention Brigades in UNPKO has proved to be another challenge. It has initiated multiple debates on congenital contradictions, much like those of the questionable legal implications of IHL in UNPKO (Tull, 2018).

However so, the concurrent approval of robust actions has been acknowledged solely under the UNPK's guarantee of obligating with its three basic traditional principles as mentioned previously, i.e. consent, impartiality, and minimal use of force (De Coning, Aoi, & Karlsud, 2017). Nonetheless, it is appreciative of the transparent observations that mention the increasing gap between UNPK's principles

and its evolution of operations, which indicate an inclination towards the use of force, and introduction to the Intervention Brigade. UNPKOs have notably addressed this point; the Capstone Doctrine states that in essence, impartiality is not to be confused as *neutrality* and therefore should allow robust force in operation mandates (Hunt, 2017). Nevertheless, as a point to be made, this galvanized statement does not further acknowledge the in-field complications. The UN mission to DRC is a comprehensive example, as there were many encounters where the UNPK failed to utilize the positive outcome of its Intervention Brigade to protect civilians (Tull, 2018).

As observed in the previous few decades, the ongoing advancements and modifications of UNPKOs have inevitably called for the reinterpretations of IHL's legal mechanisms and its applicability on UN peacekeepers (Swinarksi, 1997). Despite this, it is an understood fact that peacekeeping forces can, under certain circumstances, become a part of an armed conflict. The UN initially dismissed itself from recognizing it until the Intervention Brigade operation in DRC. United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) officially released its statement of creating an *offensive* combat force, for the first time, in the United Nations Security Council (UNSC) through Resolution 2098 in March 2013 (UN Security Council, 2013).

However, the contemporary enhancements of peacekeeping operations and their functions have highlighted the ongoing struggle. Majority of the present literature has been focused on enlightening the readers; mapping out the history and the formulation of UNPK and presenting the concept of *peace enforcement*. However, little emphasis has been given to the legal aspect and its implications. The reason behind this may be that only a few countable cases truly refer to the newly introduced generation of *peace enforcement* explicitly done using Intervention Brigade. Through the experience of DRC, it is learnt that the legal impacts of the use of force and the introduction of Force Intervention Brigade (FIB) are somewhat overlooked in the currently produced literature, and a comprehensive analysis is yet to appear, which may clarify further disadvantages (Swinarksi, 1997).

The present article attempts to underline the legal complications in the contemporary UNPKOs, which represent the shift from traditional peacekeeping to peace enforcement in terms of adopting robust actions with the Intervention Brigade's acquisition. In doing so, it first discusses the legal basis and applicability of IHL in UNPK. The article then presents the case study of DRC in light of the Intervention Brigade. A collective understanding of IHL modules then follows the discussion; compared to the ambiguity of robust peacekeeping and the concept of legal impartiality in UNPKOs. Finally, the resulting impact on the discipline of PCS is highlighted.

### **Understanding the Legal Basis and Application of IHL**

November 1951 marked the announcement of a memorandum displayed by the International Committee of Red Cross (ICRC) calling on UN Secretary-General's attention for warranting the application of the Geneva Convention on the UNPKOs. This was further emphasized during the Vienna 1965 ICRC conference stating that "[...] appropriate arrangements be made to ensure that armed forces placed at the disposal of the UN observe the provisions of the authorities responsible for the Geneva conventions and be protected by them [...] and that the authorities responsible for the contingents agree to take all necessary measures to prevent and suppress any breaches of the convention" (International Committee of the Red Cross,

1965, p. 587). In addition, concerning IHL, we need to consider *Article 89* present in the 1977 Additional Protocol I of the Geneva Convention (Henckaerts, 2012).

As historically witnessed, UNPK tasks have been limited to maintain peace or simply observe peace in conflict scenarios. However, recent years have seen a gradual transition to peace enforcement, as illustrated in 1992 in Somalia's case. The differentiation between the two is particularly obvious; the former suggests missions without the direct involvement of arms, and the latter suggests UNPKOs which are more warlike. However, according to the UN Charter, UN peacekeepers are not supposed to be involved in combat. Nonetheless, it is understood that UNPK can inevitably be part of armed conflict, and therefore the adherence of IHL's obligations in terms of protection and action comes under all UN organs<sup>2</sup>.

After many years of conflict in DRC and the issuance of numerous arrest warrants (such as the multiple convictions and acquittals), in April 2005, International Criminal Court (ICC) was involved which further led to creating a Memorandum of Understanding (MoU) between the ICC and UNPKOs displaced in Congo (MONUSCO). The MoU signed between the two stakeholders showed the cooperative will of MONUSCO to critically consider the security situation while also confirming the ICC that in carrying out its requests, it would be "prepared, in principle and consistently with its mandate, to give consideration, on a case by case basis" (cited from Melillo, 2013).

Formally, the creation of MONUSCO was not in pursuit of the rectification of justice required in this operation. However, the multiple convictions and arrest warrants acknowledged that the situation at hand required the UN peacekeepers to follow their mandate of using *all necessary means* to attain the target. This was agreed upon in the MoU. As a result, the requirement of use of robust force — through Intervention Brigade — was established. This point, too, was identified in the MoU signed between the two parties; empathizing again on their core mandate that the ultimate aim of the use of force is to influence and deter spoilers working against the peace process or seeking to harm civilians, and not to seek their military defeat (Hamilton, 2016).

It is needless to repeat that the UNPK task force has adopted more of a robust mandate (See 'Capstone Doctrine': De Coning, Detzel, & Hojem, 2008). In the 2015 high-level Independent Panel on UNPKOs (Hippo Report), some suggestions were made to reconsider these principles since these were labeled as being outmoded and required adjustments (Smith, 2016).

The Capstone Doctrine emphasizes that the UN Peacekeepers must have a clear understanding of the principles and rules of the IHL and observes them in situations where they are applicable (De Coning, Detzel, & Hojem, 2008). Nonetheless, it is accepted by the state members that it may be challenging to recognize whether on-ground realities have reached a state where IHL is to be applied. This is aligned with a further acknowledgment that the UN peacekeeping may also become a part of the armed conflict due to the impartiality clause (Lachenmann & Wolfrum, 2016).

The abovementioned point further emphasizes the pivotal fact that, to date, there exists no human rights treaty which explicitly underscores the amalgamation of human rights law into UNPKOs. Nonetheless, international human rights law is an

---

<sup>2</sup> For details regarding Ad Hoc Committee established by General Assembly Resolution 51/210 of 17 December 1996, please visit <https://legal.un.org/committees/terrorism/>

integral part of the UNPKOs' normative framework, as stated by the Capstone decree (De Coning, Detzel & Hojem, 2008). However, this does identify another contradiction; the UNPK's collaboration of humanitarian laws with military mandates translates into much confusion for 'peacekeeping' and 'peace enforcement' tasks and operational procedures. Nonetheless, it is the due diligence of IHL which constitutes as an organic element in the UNPK mandate.

To hold the UN responsible for breaching IHL, which is a primary obligation (via Intervention Brigades), it is necessary to scrutinize the foundational ground to examine if the UN holds the ability to withstand the responsibilities on an international platform of such a magnitude. At this point, the UN would require itself to be accepted and recognized as an independent, international, and impartial legal body with precise rules and regulations and specified missions to follow and accomplish — the entirety of which would be bound by IHL. It would be adequately appropriate to state that this distinct UN organization would be independent of its member nations. For the body, it is also mandated to follow established constitutive treaties, international agreements as well as customs. However, the UN is also permitted to deploy armed personnel when required, which is distinct from the IHL body. Indisputably, when the UN does breach any of the binding duties, the international responsibility will be prompted to fulfill the reimbursements for any casualties.

### **The Case of DRC and Intervention Brigades**

From being authorized in March 2013, the Force Intervention Brigade (FIB), in DRC, has launched the so-called robust peacekeeping operations which present a sweeping, crucial change in the execution of UN peace missions mentioned in Chapter VII of UN charter. A thoroughly detailed and comprehensive report on the military operations launched against insurgent groups under the UN banner has still not been commissioned. However, the FIB activities against militias in eastern Congo, which are frequently referenced upon, offer a pivotal example that the UN may move past robust peacekeeping. Therefore, it collectively emphasizes the importance of understanding the significant underlying challenges and insightful advantages of FIB, managed under the UN, and building momentum towards peace enforcement. Nevertheless, it should be taken into account that the allowance of utilizing armed forces by the UNSC has not reached its threshold value (Tull, 2018).

Since 1996, DRC has been inundated in violence and instability; yet, the situation intensified in May 2012 when another forceful renegade group established itself in North Kivu. M23 (March 23<sup>rd</sup> Movement) emerged largely as a response to the ineffective and incapable endeavors previously exercised to tackle the political, economic, and security interests of officers and commercial stakeholders. Since 1999, MONUC (renamed in 2010 as UNO Stabilization Mission in the DRC/MONUSCO) has significantly complemented the general peace process. However, as of 2015, MONUSCO has seen its authorization and armed military command increase — to become the largest UNPKO globally (Whittle, 2014).

Following the military offensive to put down M23, the FIB's peace enforcement enfeebled the Congolese government's efforts to build sustainable institutions and maintain stability. The offensive also resulted in further marginalizing MONUSCO instead of improving the region's situation, and thus, the government ended its ties with the mission (Nkusi, 2013). Altogether, these many factors further impaired the possibility of sustained stabilization in eastern Congo.

However, the military might of MONUSCO may be seen as a result of the inability of both the Congolese army and government to suppress the M23 advance, which led to the November 2012 disaster. Although MONUSCO engaged in military combat, the M23 was able to occupy Goma, North Kivu's capital (Tull, 2018); thus, leaving MONUSCO's authoritative credibility in jeopardy. The UNSC then commissioned the military strengthening of the MONUSCO with the addition of a 3,096-member Force Intervention Brigade (FIB) by adopting Resolution 2098 and deploying it to eastern Congo (Labbé & Boutellis, 2013). Following the plan to increase armed personnel, UNSC also required the M23 to withdraw from Goma, which was accomplished within a month. At this stage, the FIB was authorized to "carry out targeted offensive operations" against militias "in a robust, highly mobile and versatile manner" (Koko, 2013, p. 73).

Although it is well-established that the FIB was created under the banner of managing and suppressing the insurgent invasion of Goma, all subsequent FIB operations have significantly lacked the characteristic robustness and resoluteness of the Goma operation, which deployed the use of ground forces as well as air attack by helicopters and artillery. The unilateral offensive against the M23 was a success, yet it could not exculpate and substantiate the progressive expansion and development of the enforcement brigade mandate (Tull, 2018).

The political influence and the interests from multiple directions, including international and sub-regional stakeholders, diminished after the collapse of M23; thus, emphasizing the necessity to unravel the political dynamics of the FIB. Therefore, this set the premise that the FIB was not planned as solely an intervention force to eliminate armed militias and reintroduce sustainable security and stability to the civilians and state authority; instead, it was a multi-stakeholder concoction of political strength (Tull, 2018). Acknowledging this information seemed to have provided the UN with an opportunity to invigorate the jeopardized credibility of the MONUSCO and counterbalance the want for strengthening military capacities within the realm of politics (Brosig & Sempijja, 2018).

Conclusively, it can be stated that the resultant statement from the MONUSCO and FIB experiences dictate that militarized peacekeeping missions by the UN fall massively short of achieving their target and strategic objectives. On the contrary, they effectively bring about further militarization by the host government instead of inclusive politics and/or actively investing in improving state-society relations and building peace, growth, development, and educational institutions.

All military interventions have substantial political consequences and inevitable involvement, which transform the relations between the power-holders on both sides of the conflict and the pivotal local bodies. Unfortunately, none of this takes into account the lack of preparation, thus resulting in unforeseen repercussions.

To a certain degree, it is relatively safe to conclude that the FIB may act as an anticipator of what might be on the horizon. Significant higher authorities may consider FIB to be a "milestone that signaled the resolve of the UNSC to address the changing nature of conflict and the operating environment of United Nations peacekeeping"<sup>3</sup> as it is in-line with the credible effectiveness of UNPK troops

---

<sup>3</sup> Secretary-General's remarks at Security Council Open Debate on Trends in UN Peacekeeping (June 11, 2014): <https://www.un.org/sg/en/content/sg/statement/2014-06-11/secretary-generals-remarks-security-council-open-debate-trends>

deployed. FIB is also contemplated as a substantive qualitative change and an example of an accomplishment that may exhibit echoic properties elsewhere (Hultman, Kathman, & Shannon, 2019). In any case, the prominent and consequential point is the peacekeeping interventions, as planned and comprehended for DRC, foundationally believed that armed groups are the only challenge and the collective state is the only solution (e.g., Rudolf, 2017).

It is worth paying attention to the summation that the FIB's own intervening in the working of MONUSCO expedited the latter's marginalization. The swift and decisive success of the FIB against the M23 further cemented the belief across Congo that MONUSCO and the Congolese government had exceptionally failed to do their job. The public support of MONUSCO diminished, and the government used the M23's defeat to serve its deep-rooted and persistent opposition against the UN mission (Tull, 2013). Nevertheless, regardless of the opposition, the grounding point here is that precedence has been placed which now brings military-based operations as the frontline solution for sustaining peace in DRC. MONUSCO's failure and the need to deploy military assistance and maintain a progressive enlargement of armed personnel further cemented the ideology that 'stabilization' and 'security' are in conjunction (De Vries, 2016). This developed into strong support for a government's decree that leaned more towards dictatorial authoritativeness rather than establishing efficient and long-standing reform management bodies.

### **Robustness and IHL**

Repeatedly, the impediment that comes in between the applicability of IHL is due to the vagueness identified in the concept of robust peacekeeping operations or, in other words, the use of *force*. The Resolution 1565 MONUSCO, mentions, "to use all necessary means, within its capacity and in the areas where its armed units are deployed" (UN Security Council, 2004, p. 3). This leaves a vast area open to multiple interpretations, allowing the UN peacekeepers to act according to what they think is right. Concerning DRC, this meant that the state army's joint military operation has to *disarm* foreign troops. The lack of an extensive explanation required in this statement gives unprecedented margin to questionable actions and disrespect to the accountability at the hand of the International Court of Justice (ICJ) under IHL.

The attempt to justify the impact of these ambiguities left in UNPK's mandate regarding DRC has led to one of the most robust operations to date in the Ituri district (Kreps, 2010). The attack led by UNPK on armed groups developed into a warlike situation that resulted in high casualties. In regards to this event, the UN's Department of Peacekeeping Operation (DPKO) and the then force commander Babacar Gaye remarked that "it may look like war, but it's peacekeeping" (Lacey, 2005, para. 15). The obscurity of the idea of robust operations is widely accepted and acknowledged in the UN report by stating that there is a high level of blurring between the lines of conducting war and pursuing peace. This, again, is a reminder that the lack of elucidations of UN mandates and the regulations of IHL prevent the right action from being taken and allow multiple activities to slip through the loopholes of the law, going unnoticed and creating a situation of critical vulnerability to all those present in the conflict.

The MONUSCO operation could not live up to the expectations of UNPK's evolving mandate. The idea of moving from traditional peacekeeping to the newly introduced Intervention Brigade in the light of robust peace operation was a failure due to the lack of extensive specification, and the particularity of the UN mandate and

regulations assigned by both IHL and the UN Charter. The inability of UNPKO in Congo to adhere to the core concept of *robust* peacekeeping, specifically in addressing the Protection of Civilians (PoC), highlighted the newly introduced mandate's weaknesses. This further signified another problem in the peacekeeping mandate, i.e., the repetitive mentions of the *use of force* in times of self-defense, which has been a long-standing cornerstone. Thus, this once again makes one realize that the shortcomings of Intervention Brigades' use were more or less based on the problems impeded in the mandate's conceptual framework.

The ambiguities in the statements of the mandate and IHL largely suggest that the modern outlook towards new-age peacekeeping would first require a proper, clear, and distinct guidance underlined and represented through multiple scenarios, taking into consideration of all possible outcomes that peacekeeping forces may face on-ground. It is unwise to say that any *amount* or *extent* of robust action permissibility has been left for on-field missions to discover. Considering the history of the ambiguous mandates given to the past Intervention Brigades, peace enforcing operations and their resulting outcomes have proven that this clarity in meaning is a requirement of not only UN officials but also all other parties involved, i.e., UNSC, state members, troop-contributing countries, and specifically the DPKO. Any further Intervention Brigades need to be based on explicit rules of engagement (Tull, 2009).

### **Concept of Impartial Force Concerning IHL**

The initial purpose behind introducing the Intervention Brigades in the DRC by the UNSC was to dismantle non-state armed groups present at the time. With the introduction of FIB, one of the fundamental bases of the UNPK mandate — impartiality (Seversted, 1961) — came under the critical light of many as it was seemingly opposing the rules of IHL and the mandate itself. The modernity of UNPKOs gave gratuitous and unwarranted rise to new definitions given to peacebuilding. The transition from peacekeeping to peace enforcement made 'intrusion' a *justifiable* action in the UNPKOs. Many critics point out that these newly enforced activities upheld by the Intervention Brigades were, in fact, subsequently downplaying and violating the basic norms of peacekeeping, i.e. impartiality, as seen in the case of DRC. For instance, Laurence (2019) provides a comprehensive commentary on the 'novelty' and 'impartiality' of the abovementioned endorsed peacekeeping activities.

An example of impartiality would be the delayed use of robust force exercised by troops in combat on the grounds of morality and legitimacy and because of the risk of vulnerability about the political and systematic outcomes of employing such power. Thus, they would circumvent the aggravating risks to their battalions because using robust force against militias increases the probability of intensified retaliations against the PKO personnel; as a result, can be considered 'inherently' ideologically impartial. As seen over decades, an amalgamation of such factors exhibits that peacekeeping missions have repeatedly neglected the safeguarding of the civilians in DRC.

The above example suggests that the tactics enforced for PKOs are subconsciously a form of maintaining ontological security. The result of multiple interpretations of IHL by all stakeholders of the UNSC and member states places on-ground peacekeepers in a quagmire. The reasoning as to why the role of impartiality was formally inculcated in the basic principles of the Intervention Brigades mandate could, possibly, be a way to cover political disagreements (Mitzen, 2006). This



further allowed them to evade accountability through the loopholes of the infinite interpretations of IHL while further proceeding to justify the activities and actions as legitimate and fair in the court of ICJ; thus moving away from the process of disputing or arguing.

During the 1950s, the UN Emergency Force embarked upon the UN operations' essential tasks that mainly targeted expedites disputes by utilizing peaceful resolutions. The deployed peacekeepers were instructed to respect the hosting state's sovereignty and refrain from being involved in any domestic issues. The UNPKOs were free from any global political, economic, and sociological ideologies. Under the basis of this platform, the concept of impartiality took birth and made its roots as a fundamental principle in the context of peacekeeping mandates, thus resulting in a long-standing association of fairness in conflict resolutions (Koh, 1996). Thomas Franck (1968), in 'Structure of Impartiality: Toward the Organisation of World Law', explains that impartiality has a long association with fairness in conflict resolution.

However, modern-day peace operations exist in an entirely different normative context. The new arena of robust peacekeeping has made way for disagreements in all member states' relative consensus. As concisely stated by a diplomat based in New York, "we don't all agree as to what peacekeeping should mean" (Laurence, 2019, p. 262).

Increasing knowledge and awareness of IHL and its abiding norms have put a significant amount of pressure on expectations regarding how the UN peace operations should behave. For instance, the Capstone Doctrine refers to human rights and IHL as a central feature of regulating host nations' structure; nevertheless, it also expresses that peace operations should acknowledge and show deference to the host nation's sovereignty (Thakur et al., 2001). Unfortunately, these prerequisites are not always well-matched with the objectives of the peace mission. It has been stated that such peacekeeping operations carry uncertainty from political standpoints of not just the involved member states but also the host government. This level of vagueness and uncertainty entails mismatched objectives, especially when it comes to safeguarding civilians; this is also because the nations involved conceptualize legitimacy differently (Laurence 2019); thus, resulting in the ineffective balancing of UN's logistic commitments and the peacekeeping mission objectives.

On the other hand, it comes as no surprise that recent legal studies and academicians blame the new *peace enforcement* ideology behind *robust military actions* to depreciate impartiality in the contemporary UN operations (McGreal, 2015). The Intervention Brigades offensive mandate creates hurdles to claim impartiality (Lamot & Skeppström, 2013). Regardless of this, the UNPK mission parties represent the use of force by the Intervention Brigades as an ultimately impartial activity. Laurence (2019) has stated that the act of robust use of force is impartial because it "implements its mandate in an unbiased manner" (p.272). Here again, it can be seen that these multiple interpretations and assigned meanings to each mandate create complications during on-field application of humanitarian laws, especially during robust operations.

Releasing a statement that announces Intervention Brigades as impartial would seem confusing for the readers, as it does not carry the same meaning amongst the UN state members or the Council. Efforts on eliminating militarization of peace mission, by using robust Intervention Brigade, have begun by some UN officials (under High-level Independent Panel on Peace Operations) who disapprove of such

mandates. However, it is also acknowledged that “not all the mandates are actually impartial [and the FIB] is not impartial” (Laurence, 2019, p. 272). In other words, conformity to the UN peacekeeping mandate still does not assure a mission being impartial. In contrary, General Carlos Alberto dos Santos Cruz, MONUSCO Force Commander, argues that UN operations now function outside the leading peacekeeping values (Dos Santos Cruz, Phillips & Cusimano, 2017). Upon further investigation into his opinion on UNPK missions, it was submitted that even though the robust peacekeeping module is officially based on impartiality, it was indeed complicated to say whether Intervention Brigades are truly impartial or not (Holmes, 2019).

### **Impact of Ambiguity of IHL and the UN Charter Mandates on PCS**

The misinterpretation and ambiguity of the IHL modules, which are the backbone of UNPKOs, bring multiple queries to mind, much like a deliberate agreement on the very notion of peace missions. The term itself is under scrutiny as nations argue if this terminology explicitly entails the multidimensional tasks of these peace operations, from robust use of force to developing sustainable peace institutes without risking humanitarian crises. It can be deliberated upon that, due to these complications, the UNPK today needs to implement a more accurate implementation of IHL in their mandate to make their operations more human-centric, as the research of PCS discipline aims to achieve (Månsson, 2006).

It is essential to understand that peacekeeping alone cannot instill solutions to contemporary problems with the ever-increasing complexities of today’s world order. It is vital to broadening our scope in understanding and signifying the accuracy of humanitarian laws needed to prevent mass destruction. The introduction of contemporary peace enforcement should be in accordance with the laws of armed conflict and the Geneva Convention, keeping in mind the loopholes they may create (Breakey & Dekker, 2014).

The interplay of the expeditious changes in the post-war world order, globalization, global interdependence, and the mere understanding of IHL has seen differences in perspective and contradictions in its basic definition. The new issues around the world such as human migration, pandemics, climate change, and wildfires — the non-traditional threats to states and non-state actors — have developed a new definition and rather a proper interpretation of IHL, which was previously considered and addressed to as something which solely involved arms and disarmament, nuclear proliferation, and mainly war-affected people.

Thus, despite being human-centric in nature, the challenge is that the concept of unclear interpretation of IHL creates a challenge for PCS. The problem presented with IHL applicability is that it has allowed multiple interpretations; even the one stated by the UN is considered abstruse. Due to multiple definitions, there is a lack of one universally accepted understanding, interpretation, and application of IHL. This leads to plural epistemologies and the inability of correct/singular rule of engagement during operations. IHL is considered a tool for policymaking and judgment, yet this point cannot conform globally as different societies have different associated interpretations. This leads to knowing that there is no defined threshold of a body of law under which it could be identified. If actions and activities are in accordance with the agenda of this whole notion of PCS research and literature, it would ultimately question this particular discipline’s credibility. The lack of authenticity in definition and proper availability of a framework or a procedure to follow the process of IHL

creates obscurities and difficulties in implementing much-needed actions. Consequently, this poses a challenge for the execution of conflict resolution and peacekeeping perspective in the discipline.

In conclusion, the above-stated points bring further concerns into consideration; the inability of correct interpretation of humanitarian laws and their applications — that consists of a realist perspective. After the Cold War, without any qualms, the world was ready to think differently in prospects of a new collective global order, moving from using hard power to soft power, from wars to resolutions. Nevertheless, the inability to adopt correct means and usefulness of humanitarian laws has led the global community back to the previous order, except adopting a new name (such as from peacekeeping to peace enforcement) or even introducing *robustness*, leaving grounds for multiple interpretations. This can be effectively seen in how UN peacekeeping's mandate has more or less distorted the distinction between the two concepts of 'peacekeeping' and 'peace enforcement'; Intervention Brigades fall directly under the latter category (Månsson, 2005). Ultimately, the legitimacy of IHL lies in the power of the policies produced through the research of PCS and vice versa. PCS stands on the pillar of IHL; the credibility of the research produced by this discipline would not be valid without the authentication provided by the laws. Keeping the peacekeeping mandate from getting blurry and in coherence with IHL is one way of keeping these operations viable for the future. This would include investment in peacebuilding strategies that undertake to strengthen the rule of law intuitions and human right experts in conflict-stricken environments.

## References

- Breakey, H., & Dekker, S. (2014). Weak links in the chain of authority: The challenges of intervention decisions to protect civilians. *International Peacekeeping*, 21(3), 307-323.
- Brosig, M., & Sempijja, N. (2018). Does peacekeeping reduce violence? Assessing comprehensive security of contemporary peace operations in Africa. *Stability: International Journal of Security and Development*, 7(1).
- De Coning, C., Aoi, C., & Karlsrud, J. (Eds.). (2017). *UN peacekeeping doctrine in a new era: Adapting to stabilization, protection and new threats*. Taylor & Francis.
- De Coning, C., Detzel, J. & Hojem, P. (2008). UN Peacekeeping operations Capstone Doctrine. *Report of the TjP Oslo Doctrine Seminar*. Retrieved from: [https://www.unocha.org/sites/dms/Documents/DPKO%20Capstone%20doctrine%20\(2008\).pdf](https://www.unocha.org/sites/dms/Documents/DPKO%20Capstone%20doctrine%20(2008).pdf)
- De Vries, H. (2016). *The Ebb and Flow of Stabilization in the Congo*. London / Nairobi: *Rift Valley Institute*.
- Dos Santos Cruz, C. A., Phillips, W. R., & Cusimano, S. (2017). *Improving Security of United Nations Peacekeepers: We need to change the way we are doing business*. UN.
- Durch, W. J., Holt, V. K., Earle, C. R., & Shanahan, M. K. (2003). *The Brahimi Report and the Future of the UN Peace Operations*. Henri L. Stimson Center.
- Franck, T. (1968). *Structure of Impartiality: Toward the Organization of World Law*. New York: Macmillan.

- Goulding, M. (1993). The Evolution of United Nations Peacekeeping. *International Affairs (Royal Institute of International Affairs 1944-)*, 69(3), 451-464. doi:10.2307/2622309
- Hatto, R. (2013). From peacekeeping to peacebuilding: the evolution of the role of the United Nations in peace operations. *International Review of the Red Cross*, 95(891-892), 495-515.
- Hamilton, K. (2016). The Role of Peacekeeping Operations in International Criminal Justice: Obstacles to Assistance Following Security Council Referrals to the ICC. *Journal of International Peacekeeping*, 20(3-4), 342-362.
- Henckaerts, J. M. (2012). Bringing the Commentaries on the Geneva Conventions and their Additional Protocols into the twenty-first century. *International Review of the Red Cross*, 94(888), 1551-1555.
- Holmes, G. (2019). Situating agency, embodied practices and norm implementation in peacekeeping training. *International Peacekeeping*, 26(1), 55-84.
- Hultman, L., Kathman, J. D., & Shannon, M. (2019). *Peacekeeping in the Midst of War*. Oxford University Press.
- Hunt, C. T. (2017). All necessary means to what ends? The unintended consequences of the 'robust turn' in UN peace operations. *International Peacekeeping*, 24(1), 108-131.
- International Committee of the Red Cross. (1965). *International Review of the Red Cross* (p. 587). Geneva: International Committee of the Red Cross. Retrieved from [https://www.loc.gov/rr/frd/Military\\_Law/pdf/RC\\_Nov-1965.pdf](https://www.loc.gov/rr/frd/Military_Law/pdf/RC_Nov-1965.pdf)
- Koh, H. H. (1996). Why do nations obey international law? *Yale Law Journal*, 106, 2599.
- Koko, S. (2013). Peace at last? Appraisal of the Addis Ababa Peace and Security Cooperation Framework and the United Nations Security Council Resolution 2098 for the Democratic Republic of the Congo. *African Journal on Conflict Resolution*, 13(2), 59-86.
- Kaya, G. (2015). A New Era in peacekeeping for the United Nations: Leaving traditional peacekeeping behind. *Journal of Economics & Management*, (20A), 39-58.
- Kreps, S. E. (2010). Why does peacekeeping succeed or fail? Peacekeeping in the Democratic Republic of Congo and Sierra Leone. *Modern War and the Utility of Force*. New York, Routledge.
- Labbé, J., & Boutellis, A. (2013). Peace operations by proxy: implications for humanitarian action of UN peacekeeping partnerships with non-UN security forces. *International Review of the Red Cross*, 95(891-892), 539-559.
- Lachenmann, F., & Wolfrum, R. (Eds.). (2016). *The Law of Armed Conflict and the Use of Force: The Max Planck Encyclopedia of Public International Law*. Oxford University Press.
- Lacey, M. (2005, May 23). UN forces tougher tactics to secure peace. Retrieved from: <https://www.nytimes.com/2005/05/23/world/africa/un-forces-using-tougher-tactics-to-secure-peace.html>
- Lamont, C., & Skeppström, E. (2013). *The United Nations at War in the DRC? Legal aspects of the Intervention Brigade*. Defence Analysis, Totalförsvarets forskningsinstitut (FOI).
- Laurence, M. (2019). An impartial force? Normative ambiguity and practice change in UN peace operations. *International Peacekeeping*, 26(3), 256-280.

- Månsson, K. (2005). Use of force and civilian protection: Peace operations in the Congo. *International Peacekeeping*, 12(4), 503-519.
- Månsson, K. (2006). Integration of human rights in peace operations: Is there an ideal model? *International Peacekeeping*, 13(4), 547-563.
- Melillo, M. (2013). Cooperation between the UN Peacekeeping Operation and the ICC in the Democratic Republic of the Congo. *Journal of International Criminal Justice*, 11(4), 763-782.
- McGreal, C. (2015). What's the point of peacekeepers when they don't keep the peace. *The Guardian*, 17.
- Mishra, A. (2013). Paradigm Shift in UN Peacekeeping in the Post Cold War Era. *Mediterranean Journal of Social Sciences*, 4(9), 112.
- Mitzen, J. (2006). Ontological security in world politics: State identity and the security dilemma. *European Journal of International Relations*, 12(3), 341-370.
- Nkusi, F. (2013). Legal Implications of Shifting Paradigm: Intervention Brigade-MONUSCO's Enforcement Action in the DRC. *Berkeley Journal of International Law (BJIL)*, 2(2).
- Rudolf, P. (2017). UN Peace Operations and the Use of Military Force. *Survival*, 59(3), 161-182.
- UN Security Council. (2013, March 28). Intervention Brigade authorized as Security Council grants mandate renewal for United Nations Mission in Democratic Republic of Congo. Retrieved from: <https://www.un.org/press/en/2013/sc10964.doc.htm>
- Seyersted, F. (1961). United Nations Forces-Some Legal Problems. *British Year Book of International Law*, 37, 351.
- Smith, M. G. (2016). Review of the UN High-Level Independent Panel on Peace Operations, "Uniting Our Strengths for Peace: Politics, Partnership and People". *Global Governance*, 22(2), 179-187.
- Swinarski, C. (1997). On the Applicability of International Humanitarian Law to the United Nations Peace-Keeping Forces. *Héctor Gros Espiell amicorum liber: Persona humana y derecho internacional/Personne humaine et droit international/Human Person and International Law*, 2, 1519-1532.
- Thakur, R. C., Thakur, R., Schnabel, A., & Schnabel, S. F. A. (Eds.). (2001). *United Nations peacekeeping operations: ad hoc missions, permanent engagement*. United Nations University Press.
- Tull, D. M. (2009). Peacekeeping in the Democratic Republic of Congo: waging peace and fighting war. *International Peacekeeping*, 16(2), 215-230.
- Tull, D. M. (2013). When they overstay their welcome: UN peacekeepers in Africa. *Journal of International Peacekeeping*, 17(3-4), 179-200.
- Tull, D. M. (2018). The limits and unintended consequences of UN peace enforcement: The Force Intervention Brigade in the DR Congo. *International Peacekeeping*, 25(2), 167-190
- UN Security Council. (2004). *Resolution 1565 (2004)* (p. 3). United Nations Security Council. Retrieved from [https://undocs.org/S/RES/1565\(2004\)](https://undocs.org/S/RES/1565(2004))
- Whittle, D. (2014). Peacekeeping in conflict: The Intervention Brigade, MONUSCO, and the application of international humanitarian law to United Nations forces. *Georgetown Journal of International Law*, 46, 837.