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Taking Sides In Peacekeeping: Impartiality And The Future Of The United Nations

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Introduction

On 1 March 2005, United Nations (UN) peacekeeping forces launched an offensive in the northeast of the Democratic Republic of the Congo in order to suppress a rebellion.¹ At 08:00, commanders deployed twelve armoured personnel carriers. Ground forces cordoned off the area and asked for air support. At 11:00, the target was located and engaged. Mi-25 attack helicopters swooped in, firing sixteen rockets in eight passes. The militia camp was successfully 'neutralized' and UN troops were withdrawn from the area by 16:00. An estimated fifty rebels were killed. 'It may look like war', explained Lieutenant-General Babacar Gaye, Force Commander of the mission, 'but it is peacekeeping.'² 'We were impartial.'³

The assault, part of the UN's *Operation Djugu III*, was no aberration. Since 1999, blue helmets in places such as Sierra Leone, Haiti, Ivory Coast, and Mali have conducted military offensives to 'keep' and 'make' peace. Once limited in scope and based firmly on the consent of all parties, peacekeeping operations are now regularly authorized under Chapter VII of the UN Charter, charged with penalizing spoilers of the peace and protecting civilians from peril. Anything less amounts to what the *Report of the Panel on United Nations Peace Operations* (2000) condemned as 'complicity with evil'.⁴ Peacekeepers are now expected to search for, and then side with, the victims.

Despite this more aggressive posture, UN officials such as Lt. Gen. Gaye as well as academics continue to affirm the vital importance of impartiality—a norm traditionally regarded as the 'oxygen'⁵ and 'lifeblood'⁶ of peacekeeping—while stating that it no longer means what it once did. They characterize the new impartiality as 'active' impartiality,⁷ 'unrestrained' impartiality,⁸ even 'imperial' impartiality⁹—implying that peacekeepers are, or should be, robust and assertive in carrying out their increasingly lofty and ambitious mandates.

IMPARTIAL PEACEKEEPING AND ASSERTIVE
LIBERAL INTERNATIONALISM

This book is the first scholarly attempt to analyse this transformation and its implications. It argues that the change in the understanding and practices of impartiality is significant. Because impartiality refers not only to the position of peacekeepers as an unbiased and informed third party but also to the values and norms the UN itself seeks to project, this change, which is manifest in discourse and institutionalized in doctrine and rules of engagement (RoE), signifies a radical transformation in the very nature and substance of peacekeeping, and in the UN's role as guarantor of international peace and security. Claims to impartial authority are no longer based exclusively on terms to which all parties consent. Instead, they are premised on a more ambitious and expansive set of human-rights-related norms, around which consensus is presumed but not always secured. While traditional peacekeeping mandates treated parties with moral equivalence and eschewed notions of blame and punishment, instigators of violence are often now seen as criminals—their crime a form of moral collapse to be judged and righted by peacekeepers, rather than as a symptom of a political conflict to be mediated.

What is more, this change is not limited to peacekeeping. It is an integral part of the turn towards what I refer to as a more assertive liberal internationalism, one that is transforming existing international institutions and practices, particularly the UN. The realization, promotion, and protection of human rights is at the core of this broader shift and has translated into forms of international engagement that are less consensual and more compulsory and coercive, justified by upholding human rights and constellating a new class of international crimes.¹⁰

Here, too, claims to impartial authority figure prominently, but they have taken on new meaning. For example, through the principle of universal jurisdiction, the International Criminal Court (ICC) is unprecedented in its claim to impartially investigate and try alleged perpetrators of international crimes independently of whether their states have given consent to the organization by ratifying the Rome Statute.¹¹ In the field of humanitarian assistance, many of today's aid workers no longer impartially provide emergency relief to individuals based exclusively on need. Decisions about who should receive assistance are now often influenced by whether they help or hinder the realization of rights. While claiming to be impartial, humanitarian actors frequently advocate for human-rights protections and actively seek to reform political and social structures that impinge on those rights. Similarly, the UN's *Human Rights Up Front* policy, developed in 2013, puts the imperative to protect people from serious violations of human rights and international humanitarian law at the core of the organization's strategy and operational

activities, and obliges staff to speak out on an 'impartial basis' about abuses and looming crises.¹²

The legitimacy of this more assertive liberal internationalism, and associated claims by peacekeepers, judges, and aid workers that their more coercive and intrusive actions *are* impartial, rests largely on what is extolled as a newfound unity of purpose. What is the base for such a claim? Academics and practitioners alike contend that the 'internationalization of human rights' over several decades has allowed for an acceptable transformation in the foundation of certain norms that now have authority not because they are based on the consent of individual states, but rather because they are seen to reflect a collective international consensus—what scholar Ruti Teitel describes as the 'new law of humanity'.¹³ At the core of this transformation is the idea that human rights and the protection of those rights, particularly for those most vulnerable in armed conflict, are no longer tied to a particular political or partisan agenda. 'Protecting civilians transcends politics', as one diplomat recently proclaimed in the Security Council.¹⁴

This notion has become a powerful piety, described by some as the 'new ideology', even a 'secular religion'.¹⁵ The unassailably worthy conviction that human rights and peacekeeping in the service of those rights are above politics, and that above all, individual civilians should be protected, is potent. It allows for simple and easily comprehensible accounts of right and wrong, in what are often contexts of extreme human suffering. It differentiates victim from perpetrator, assigns innocence and guilt, and it furnishes apparently straightforward answers to questions about what must be done to bring about good, to stop the suffering. In other words, it provides something to believe in. All of which makes it very difficult indeed to argue with. Contestation, from this perspective, would appear to be a thing of the past.

This book examines this shift towards assertive liberal internationalism in the context of UN peacekeeping. This focus is important because, despite the significance of this change and the long lineage of impartiality in peacekeeping, the norm has been the subject of surprisingly little sustained analysis.¹⁶ Whereas consent of the host state and non-use of force—the two other norms traditionally associated with peacekeeping—have been the focus of several comprehensive academic studies,¹⁷ impartiality has received little more than passing references to its vital importance¹⁸ and its application in specific historical cases.¹⁹ Given that the dominant meaning of impartiality has radically changed, this omission is a glaring oversight, not least because of its implications *for* the other two norms.

Rather, in an apparent case of 'taking sides', scholars of peacekeeping have done more actively to advocate for the new more assertive conception of impartiality and applaud its institutionalization in the new millennium than they have critically to interrogate the norm and its implications from political and operational perspectives.²⁰ In their reflections on the peacekeeping

failures of the 1990s, many academics excoriated the UN and its 'institutional ideology of impartiality' as entirely inappropriate for the post-Cold War operational environment of catastrophic mass violence.²¹ They contended that 'impartiality had to be reconceived', called for clarification in both the conceptual and operational domains, and advanced their own interpretations of the norm.²² Others imposed a distinction where none had previously existed; they redefined Cold War peacekeeping, *ex post facto*, as 'neutral' to denote its passive character whereas it was hoped that post-Cold War activity would, in a more dynamic sense, be 'impartial'.²³ These texts do not engage in rigorous conceptual analysis or with what one author describes as the 'broader political-strategic issues surrounding new impartiality'.²⁴ Lacking this wider view, our understanding of the politics and practices of contemporary peacekeeping, as well as the normative framework that underpins and is used to justify the authority of peacekeepers and the UN, is incomplete and partial.

Meanwhile, peacekeeping has descended into a state of renewed crisis. In many mission contexts, which have experienced repeated crises in recent years, peace and stability have become a mirage. In places like Darfur, South Sudan, Burundi, and Congo where the UN's political space has been restricted, mandate implementation has been thwarted by intransigent host governments, freedom of movement has been curtailed, officials have been made *persona non grata* and missions have, at various junctures, been threatened with expulsion. What is more, an increase in attacks on and kidnappings of UN personnel has prompted troop-contributing countries (TCCs) to withdraw contingents from missions that are already notoriously under-resourced and plagued by technical difficulties.

THE POLITICS OF PEACEKEEPING

It is in this context that a closer and more critical examination of the dominant conception of impartiality as a norm of UN peacekeeping becomes essential. This book starts from the premise that claims to impartiality must be considered as only that—claims. Rather than accept that consensus exists over the meaning and appropriateness of the new more assertive conception of impartiality, and that the decisions and actions of peacekeepers *are* impartial, I take these as assertions that require empirical investigation. History is rife with instances of closeted sectarianism and abuses of authority under the guise of impartiality. Without social validation there is a danger that impartialism becomes, as John Rawls cautioned, 'just another sectarian doctrine', except that, whereas others are up front about their sectarianism, impartialists conceal their predilections.²⁵ Indeed, it is precisely because, as Thomas Franck put

it, impartiality's 'yoke is so eminently wearable', that a closer look at the norm in contemporary peacekeeping is vital.²⁶

Two central and closely connected questions provide the overarching focus for this inquiry. First, how is impartiality understood as a norm of UN peacekeeping and, second, what are the effects of this understanding? To answer these questions, I conceptualize impartiality as a 'composite' norm, one that is not free-standing but is in fact an aggregate of other principles—each of which can change and is open to contestation, singly or in combination. Drawing on political and legal theory, I elucidate the core components of impartiality and provide much needed conceptual clarity.

The composite norm is then used to conduct a multi-level analysis. I trace the evolution of impartiality in peacekeeping and examine the macro-level politics surrounding institutionalization of the new, more assertive conception of the norm at the UN, as well as the micro-level politics surrounding its implementation in the Democratic Republic of the Congo, site of the largest and costliest peacekeeping mission in UN history (1999–2015).²⁷ I identify the various sites and sources of contestation over assertive impartiality at both levels and explicate their linkages. Multi-level analysis is crucial because impartiality is a peripatetic norm, relevant from the hallowed halls of UN headquarters in New York to the remote villages where blue helmets deploy. To understand how, amidst contestation, certain conceptions of impartiality have become dominant both in policy and practice, I analyse different institutional decision-making pathways and their power dynamics. In doing so, this book illuminates how certain actors wield greater influence than others in determining the policies and practices of UN peacekeeping, and the meaning of impartiality itself.

The Congo case is particularly salient in examining the effects of impartiality on peacekeeping practice as well as broader institutional dynamics. The *Mission de l'Organisation des Nations Unies en République Démocratique du Congo* (known by its French acronym, MONUC) was first deployed in late 1999, three years before the formal end of Congo's epic war and just as the new conception of impartiality began to take hold at the UN. It was a testament to the prevailing thinking in the Security Council. During deliberations on the creation of the mission, lessons learned from previous peacekeeping failures were recounted, and the need for robust peacekeeping affirmed by various member states.²⁸ Indeed, MONUC became the standard-bearer for a new era of blue-helmet intervention and represented, as South African ambassador Dumisani Kumalo opined, a 'litmus test' for the Council's commitment to peacekeeping in Africa.²⁹

MONUC's decade-long deployment saw the institutionalization of the more assertive conception of impartiality manifest in Council resolutions that steadily increased the reputed robustness of the mission. Its Chapter VII mandate expanded to encompass the entire country, naming and shaming of

spoilers became a recurrent feature of resolutions, and protection of civilians was designated MONUC's highest priority. In 2010, the mission was renamed the *Mission de l'Organisation des Nations Unies pour la Stabilisation en République Démocratique du Congo* (MONUSCO), a signal that the UN was willing to use force more proactively, and in 2013, the Council deployed the Force Intervention Brigade (FIB), a specialized unit within MONUSCO, authorized to take offensive military action to 'neutralize' and 'disarm' rebel groups.³⁰ Throughout this period, Congo became a laboratory for more assertive approaches to peacekeeping, and operational mechanisms and guidance developed by MONUC/MONUSCO in turn fed back into policymaking at UN headquarters, leading to more general innovations in doctrine.³¹ In addition, Congo became a focus country for the ICC and, more broadly, the locus of numerous humanitarian reform initiatives associated with assertive liberal internationalism.

And yet, the analysis of impartiality at both macro- and micro-level in Congo reveals that despite a veneer of consensus, 'impartiality' is in fact a highly contested norm. As the collection of principles it refers to has changed and expanded to encompass human rights, contestation has increased, with deep disagreement among key UN member states and local actors in Congo as to what keeping peace impartially means and, consequently, over the purposes of contemporary peacekeeping and the UN's broader approach to conflict resolution. This is not to say that human rights in peacekeeping are irrelevant. Few would disagree that they matter deeply, arguably more so now than ever before. But, as this book demonstrates, human rights cannot be divorced from power and partisan interests, past injustices, and present inequalities. Nor can they be considered separately from the privileges still accorded to states in international relations and particularly those at the UN, given its state-centric constitution.

The contestation over assertive impartiality reveals this plurality of contending perspectives at multiple levels. The objections raised during institutionalization within the UN are varied and diverse as Chapter 3 demonstrates. They reflect fears, frequently emanating from the experiences of some states as colonial subjects, that more coercive forms of peacekeeping chip away at sovereignty and self-determination and may be used to realize more nefarious intentions. They come in the form of charges of hypocrisy, and criticisms of unequal burden-sharing in peacekeeping. They reveal concerns about the viability of and the moral hazards engendered by contemporary practices—hard lessons learned from time on the ground. And they have very real implications for the willingness of traditional troop-contributing countries to sustain these operations as well as for the UN's acceptance on the ground.

These forms of contestation have also been manifest during implementation, a process that, as I show in Chapter 4, generates its own forms of disagreement related to the historical, social, and political dynamics in

Congo. Among the many sites and sources of contestation, from tensions between troop-contributing countries to bitter divisions within the Security Council over policy towards the Congo and the wider region, I show how the dichotomies attendant in assertive impartiality often break down in practice. In Congo, there were often no clear answers to the questions of who is perpetrator and who victim, who protector and who in need of protection. And thus, attempts to pass judgment and take action by assigning such roles have, at numerous junctures, divided those involved, from the warring parties themselves to the peacekeeping mission, and more broadly, the international community.

Beyond the semantics, this disagreement has led to inconsistencies in peacekeeping practice, which further amplify perceptions of partiality and, together with the varying expectations and incentives created by the norm, have frequently resulted in perverse and unintended consequences that run contrary to the norm's original intent and undermine the UN's legitimacy. In Congo, civilians who were told that UN forces would protect them were at times emboldened to take even greater risks. Instead of fleeing to possible safety, they remained in place, or travelled in insecure conditions to UN bases. When protection was forthcoming, such risks were worthwhile. When it was not, the consequences were sometimes fatal. Similarly, armed groups and factions of the national army manipulated the mission and its mandate in order to realize strategic and political aims. The discourse of civilian protection was, for example, co-opted and instrumentalized by certain militia in an effort to change perceptions of their own legitimacy and to de-legitimize other actors, including the mission itself. This had negative consequences for peacekeepers and the UN, and crucially impeded their ability to act and be accepted as a political arbiter, as a broker of peace.

As a whole, the book shows how the transformation in impartiality has deeply politicized peacekeeping and, in some cases such as Congo, effectively converted UN forces into one warring party among many. I argue that the implications of this change are significant, not only for peacekeeping but for the UN more broadly. As several scholars have demonstrated, the legitimacy of the organization—and by extension the likelihood of its securing the resources and access so critical to its operations—derives not just from its practical effectiveness, but from whether it is seen to reflect and promote shared values.³² This is of consequence, given that the institutional and broader geopolitical landscape have profoundly shifted. The rise of non-Western states and changes in the global balance of power mean that contestation around underlying values, as described in this book, is likely to persist and even to grow. As the Conclusion argues, this raises pressing questions about the UN's future role and its ability to act as the legitimate guarantor of international peace and security if it is perceived as partial, as having taken sides.

THEORETICAL APPROACH AND CONTRIBUTIONS

This book is designed to speak to scholars and practitioners of peacekeeping and the UN, to others interested in Congo and, more broadly, to those concerned with the challenges associated with assertive liberal internationalism. Yet it is not solely a work of policy analysis and prescription. It contributes to debates within the inter-disciplinary field of peacekeeping studies, which has undergone remarkable growth over the last decade.³³ The literature on peacekeeping has long been criticized for being apolitical and overly focused on the macro-level, skirting the importance of context and treating peacekeeping operations as technical policy tools. This trend, however, is being reversed by a body of work that does explore the political dimensions of peacekeeping operations.³⁴ Overlapping this research is a growing field of scholarship that has 'gone micro'.³⁵ Drawing on the burgeoning political science literature on the micro-foundations of conflict, as well as insights from anthropology and sociology, this diverse research agenda has drawn much needed attention to the local dimensions of peacekeeping and peacebuilding, including, the everyday practices of interveners, their interactions with local actors, and the consequences, intended and otherwise, of international engagement. These investigations affirm the importance of context, the contingency of peacekeeping practices, and offer a valuable counterpoint to macro-level analyses that have dominated the field and approached peacekeeping as a predominantly international phenomenon.

My analysis of impartiality's implementation and effects in Congo complements this scholarship. This book, however, departs from this body of work in stressing the importance of multi-level analysis. Whereas existing texts tend to look either at the global or the local dimensions of peace operations, I examine both and explore the relationship between them. As the analysis shows, this is important because the global politics of peacekeeping are not and cannot be separated from the local dimensions of peacekeeping. For example, as Chapter 3 details, the states which contribute the preponderance of peacekeepers to Congo were among those most critical of assertive impartiality during institutionalization, most notably India and Pakistan. This had a profound effect on peacekeeping in Congo, as these actors resisted the new conception of the norm and advanced their own interpretations, which in turn heightened contestation at the field level and led to inconsistencies in practice.

The multi-level analysis of impartiality also contributes to scholarly debates about the role of norms in international relations—what they are, the effects they have, and how and where they should be studied. As Chapter 1 explains, I understand impartiality as a norm in the social constructivist sense of the word, as a '*prescription[] for action in situations of choice*, carrying a sense of obligation, a sense that [it] *ought to be followed*'.³⁶ For constructivist scholars, the sense of 'oughtness' inherent in norms such as impartiality stems from

their existence as 'social facts'.³⁷ They are beliefs or ideas that have no independent material or physical reality, and exist only because they are held intersubjectively—shared, to a certain degree, by actors in a group or community. This collective aspect is what gives norms their force.

Until recently, constructivist theorizing has been largely dominated by linear accounts of ideational change involving dichotomous outcomes, binary oppositions whereby actors either accept and institutionalize/internalize a norm, or resist and reject it. In what has been described as a series of 'waves', scholars considered norms as developed and transported by norm entrepreneurs and social networks to be institutionalized internationally through various forms of socialization (first wave).³⁸ They emphasized the role of socio-legal structures to explain variance in institutionalization at the regional and domestic level (second wave).³⁹ And they introduced the notion of localization: the adaptive processes of 'reinterpretation' and 'reconstitution' through which international norms become congruent with pre-existing local normative orders during institutionalization (third wave).⁴⁰ In other words, how international norms 'stick' if they have, or are made to have, local resonance. The importance accorded to institutionalization by these scholars is premised on their belief that it produces consensus, as actors clarify the meaning of a norm, what constitutes 'violation', and what procedures will be used to coordinate 'disapproval' and impose 'sanctions' for violations.⁴¹ A norm's formal adoption, in other words, is considered the bellwether of behavioural change.

However, as others have argued, this focus on the structuring power of norms downplays their inherent dynamism and complexity, the role of power in changing their content and scope, and in determining when, how, and why certain norms matter more than others, and to what effect.⁴² What follows a norm's institutionalization—actual practice—is for the most part left unattended in orthodox considerations of norms.⁴³ This assumes an improbably straight line between ideas and outcomes, and suggests a somewhat simplified view of human agency in which action is reduced to 'something that approaches stimulus-response behaviour'.⁴⁴ Moreover, it ignores the very real possibility of contestation either between two norms that do not fit together, or of conflicting interpretations of the same norm following its formal acceptance. It is precisely because norms like impartiality are not objective truths but rather intersubjectively held beliefs that they can continue to be contested and their meaning change even as they are formally adopted, shaped by practice, and by the broader social context in which they are situated.

To account for this dynamism and the inherent contestability of norms, I conceive of impartiality as a composite. The composite norm is a heuristic tool that captures the changing meaning of impartiality and provides analytical purchase for the study of contestation at both the macro- and micro-level. Rather than simply rejecting or accepting impartiality, it reveals how actors

may resist particular elements of a norm and/or advance their own interpretations of these elements, shaped by both ideational and material considerations, and how, during both institutionalization and implementation, certain interpretations or group interpretations may be privileged.⁴⁵ These nuances matter precisely because they shape behaviour and social expectations of behaviour. As Martin Hollis reminds us: 'norms are no less effective for being fluid and no less real for being negotiable'.⁴⁶ Indeed, it is critical to the argument of this book that the contestability of norms like impartiality does not invalidate, or even necessarily weaken them. Rather, it brings them, vitally, into the real and present-day world.

By widening the analytical lens to examine implementation in the Congo case, this book also engages with an emerging area of research on normative practice. These scholars critique constructivism's longstanding neglect of what happens *after* a norm like impartiality is institutionalized. Understanding the actual effects of international norms, they argue, requires the study of their implementation, or what one scholar describes as their 'meaning-in-use'.⁴⁷ This body of work fully embraces the social essence of norms and highlights the practices, structures, and agents associated with norm interpretation and implementation, that, as the work rightly demonstrates, often result in norm contingency and contestation.⁴⁸

My approach complements this research, but, similar to the peacekeeping literature, it also demonstrates the importance of accounting for *both* institutionalization and implementation as distinct, but often related, processes. To illuminate the mechanisms that incite contestation during implementation, scholars in this emerging area analytically bracket the disagreement over the meaning and/or appropriateness of norms that may have occurred during institutionalization.⁴⁹ In doing so, they overlook the effects that institutionalization dynamics may have on the very practices they seek to understand.

This omission is problematic, inasmuch as it assumes that the practice of international norms can be understood without consideration of how they are debated, drafted, and institutionalized—processes that are frequently fraught with contestation and unresolved differences. As Chapter 2 describes, the UN's formal adoption of a new conception of impartiality did not represent the moment of clarity suggested by many constructivist models. What is more, ambiguity at the macro-level over the norm's relationship to sovereignty, the result of unresolved differences, became an issue in Congo when state officials were found to be complicit in widespread human-rights abuses and the mission, in turn, was internally divided on how to respond in a manner consistent with impartiality. The implications of this for the present study are clear: if the meaning of impartiality was contested during its institutionalization and if, as a result, it is vague and ambiguous, its implementation cannot be studied in isolation from the broader politics associated with its development and formal adoption.

METHODOLOGY

The theoretical approach I adopt to analyse impartiality has methodological implications. Given my emphasis on the contextual and contingent nature of norms, I pursue an interpretivist approach, which, as Mark Bevir explains, seeks to understand actions and events by taking into account 'the intentions, concepts, and ideas constitutive of them'.⁵⁰ In doing so, I employ a number of different methods.

Since this book proceeds from the argument that there has been a shift in the dominant understanding of impartiality as a norm of UN peacekeeping, a first, key task is to demonstrate that change. To do so, in Chapter 2 I construct a historical narrative of impartiality using the composite norm.⁵¹ Through textual analysis of a wide range of primary and secondary sources, I examine the norm's origins at the UN, trace the evolution of its components over six decades, and explicate the conceptual ambiguity surrounding the dominant understanding of impartiality that was institutionalized in the new millennium.⁵² This provides the basis for my subsequent analysis of macro-level politics surrounding institutionalization, as well as micro-level politics surrounding implementation in the Congo case.

To illuminate political dynamics at both levels, the research is situated in what some have labelled the ethnographic turn in International Relations (IR).⁵³ Like others in this emerging area of scholarship, I use ethnographic methods, including extensive fieldwork, participant observation, and semi-structured interviews at both the global and local level—an approach referred to as 'multi-sited ethnography'. One of the advantages of this methodology is that it affords access to key institutional actors and local figures, as well as opportunities for sustained observation, both of which are necessary to study contestation directly. In the present study, this approach provided insight into critical decision-making processes surrounding peacekeeping in Congo and the effects of those processes on those responsible for and affected by the practices of UN peacekeeping. It also enabled an in-depth analysis of impartiality at the macro-level, and by extension an account of the relationship between headquarters and the mission.

Fieldwork was carried out in several locations. Research on macro-level dynamics was done primarily in New York, with supplementary interviews in Washington, Ottawa, London, Paris, Brussels, Geneva, and Nairobi. Research for the case study and micro-level politics of peacekeeping was conducted during four periods of fieldwork in Congo between 2008–15. In Congo, I worked in a diversity of locales, from remote rural bases to field offices in the country's eastern region, to the national headquarters of the mission in Kinshasa, the capital.⁵⁴ This allowed me to discern critical differences in how officials in these areas understood their role and interpreted their mandates.

Multi-sited research produced multiple types of data and sources to illuminate contestation and the effects of the norm. A significant portion of data derives from the more than 300 semi-structured interviews I conducted with individuals involved in every aspect of peacekeeping: senior UN officials, diplomats, member state representatives, civil and military field officers, armed group members, civil society actors, and conflict-affected populations. In selecting my interviewees, I aimed to gain exposure to the broadest range of perspectives. I actively sought out individuals who contested the dominant conception of the norm but who were largely excluded from decision-making during the processes of institutionalization and implementation. In New York, for example, I met with member states affiliated with the non-aligned movement (NAM), including representatives of the largest troop- and police-contributing countries. Findings from these interviews were supplemented by numerous discussions with political analysts and scholars who closely follow developments at the UN. The majority of these interviews were conducted under the condition of anonymity given political sensitivities surrounding the research and potential professional, reputational, and security ramifications.⁵⁵

Participant observation, which entails more intensive interaction between the observer and observed, complements the interview data. Observation conducted primarily for the case research was facilitated through attendance at daily internal UN meetings,⁵⁶ field visits with UN staff, and by accompanying peacekeeper patrol sweeps in rural areas.⁵⁷ These encounters shed light on the nature of the UN's operations in Congo and assisted in understanding broader, ongoing political and security developments. This access also provided a particularly effective way of exploring the difference between formal policies and mandates, and actual practice. Lastly, I consulted a comprehensive set of primary and secondary sources. These materials were used to cross check data obtained through interviews and participant observation, to ensure accuracy and to mitigate potential bias or selectivity of information.⁵⁸

Two final points of clarification on methods are necessary. The first concerns the extent of my claims about the effects of impartiality. In evaluating the broader repercussions of the norm, I am not suggesting that impartiality 'causes' particular action or outcomes in a constant or deterministic way, as is construed by positivist methodologies. Like other constructivists, I am interested in how norms may guide, inspire, rationalize, or justify behaviour; in other words, how understandings of impartiality and contestation over the norm enable and constrain particular actions or possible outcomes.⁵⁹ Moreover, my account of implementation notably draws particular attention to both the intended and unintended effects of norms. As discussed above, constructivists have tended to assume that, once adopted, a norm 'does what it says on the tin', i.e., induces actors either to undertake or avoid the behaviour it prescribes or enjoins. In contrast, my analysis shows how

norms can also have unforeseen consequences as individuals respond strategically to the constraints and opportunities afforded by the international normative structure and by the expectations it engenders. In doing so, the book moves beyond the usual constructivist emphasis on how 'good' norms make the world better, showing that ostensibly well-intentioned norms can have harmful, even disastrous, consequences.⁶⁰

Lastly, in order to delve deeply into the material, the analysis was focused on a single-case study. While some social scientists highlight the limitations of the single-case study approach, namely, the lack of generalizability across cases and potential selection bias, these concerns apply to scholars seeking to develop falsifiable claims, and thus do not apply to the present study. Instead, the rigorous single-case research approach chosen here allowed me to go narrow and deep, and is necessary to explicate in sufficient detail the process of impartiality's change, contestation, and effects across various levels of analysis. The Congo case, which stretched over fifteen years, serves the heuristic purpose of elucidating contextual contingencies during both institutionalization and implementation, and the implications of assertive impartiality in UN peacekeeping.⁶¹ The length of the conflict also enabled me to look at the change over time within that context. In contrast to theory testing, the approach adopted is thus more akin to theory generation; it provides a strong empirical base, which allows for additional case research and conceptual refinements.⁶² To include a second or third case would have required a sacrifice of depth for the sake of breadth. Given the paucity of conceptual analysis on impartiality as well as the intrinsic importance of the Congo case, objectives of generalizability are less applicable in this context. That said, as I discuss in the Conclusion, the analysis presented in this book opens the door to future research into how impartiality is being contested in other peacekeeping cases and, more broadly, into the practices of those institutions associated with assertive liberal internationalism.

OUTLINE OF THE BOOK

Chapter 1 outlines the book's conceptual framework. Both existing research on peacekeeping and popular discourse on UN operations are rife with conceptual confusion, exemplified by the frequent conflation of impartiality with neutrality. This confusion is not limited to scholarship on peacekeeping. Impartiality figures as a central concept in moral, political, and legal theory.⁶³ Yet, despite its ubiquity in the literature, impartiality is lamented by some critics as 'almost universally misdescribed',⁶⁴ 'haphazardly analyzed',⁶⁵ and as having 'stumbled its way into a series of holes, imponderables, and seeming contradictions.'⁶⁶

Chapter 1 thus seeks in part to provide conceptual clarity regarding the norm of impartiality. It also situates this study within the constructivist approach. I introduce and develop the concept of a composite norm and elucidate the components of impartiality. This grounds the subsequent analysis of how understandings of impartiality in UN peacekeeping have changed and the ways in which the norm itself has been contested during the processes of institutionalization at the macro-level and implementation in the Congo case.

Using the composite norm, Chapter 2 traces the evolution of impartiality within the UN, explicates the reasons for and significance of the reconceptualization of impartiality in the new millennium, and situates this change in the broader shift towards a more assertive liberal internationalism. As peacekeepers and other international actors became more heavily engaged in intra-state conflict during the 1990s, in contexts where consent for their operations was tenuous, they confronted difficult questions about the sources of their own authority and how to adjudicate disputes between competing local claimants of authority. Assertive impartiality was an attempt to re-ground the authority of these actors in what was presented as a newfound unity of purpose: the culmination of the internationalization of human rights over several decades, and the supposed disassociation of rights from a particular political or partial agenda. Crucially, however, and contrary to what many constructivist theories would hold, impartiality's institutionalization has not resulted in conceptual clarity. The chapter concludes by considering the various ways in which the new dominant understanding of impartiality is in fact ambiguous and imprecise, rife with contradictions.

Through an analysis of political dynamics within the UN at the macro-organizational level, Chapter 3 calls into question the purported consensus over the dominant conception of impartiality and the purposes of contemporary peacekeeping. It demonstrates how impartiality's ambiguity is partly a reflection of contestation, and elucidates the procedural, substantive, and consequential objections of various actors. The chapter explains how, despite fierce contestation, the Security Council has continued to authorize robust mandates in accordance with the new conception of impartiality. It argues that the surmounting of this disjuncture is explained by the Council's overarching ability to determine peacekeeping policy. But, crucially, the power of Council members is not unfettered; they too face constraints due to the very nature of assertive impartiality and to their prior rhetorical affirmation of the norm. These dynamics matter, precisely because they have an impact on peacekeeping practice.

From here, my analysis turns to the process of implementation and the micro-level politics associated with peacekeeping in Congo. Chapter 4 begins with a brief historical overview of the conflict and the five phases of the UN mission (1999–2015). I examine each phase, and identify critical junctures

where spoilers obstructed the peace or political process, and/or civilians faced imminent threats or were harmed: situations that, according to assertive impartiality, warrant the use of force. The chapter reveals how judgments as to who was perpetrator and who was victim, as well as to who was the protector and who the party in need of protection, were subjective, fluid and deeply contested, reflecting dynamics at both the global and local level. As a result of this contestation, implementation of the norm was inconsistent, with a host of unintended consequences.

Chapter 5 examines the effects of assertive impartiality on four specific sets of actors at the field level: civilians, armed groups, the state, and the UN mission itself. It shows how the robust role prescribed for peacekeepers raised expectations and created incentives for local actors in the Congo, engendering behaviour that would not have occurred otherwise. These effects damaged the mission and deepened local perceptions that the UN was partial. Despite these consequences, the Security Council's response to policy failure in the Congo, time and time again, was to scale up the mission's mandated 'robustness', which in turn only further tarnished its credibility and capacity to act as a broker of peace. The chapter argues that in the absence of consensus over a real strategy to resolve conflict in the Congo, without a willingness by member states to commit the necessary political capital and resources, assertive impartiality offered merely the illusion of constructive and active engagement. Ambitious mandates that aimed to save lives projected an image of consensus. They covered up deep political divisions at both the global and local level, while making scant progress to foster peace in Congo.

The Conclusion lays out the book's implications for theory and policy. It summarizes the findings, discusses their relevance for other contemporary peace operations and offers a way forward. It argues that analysis of the inherent and perhaps irreconcilable tensions and moral quandaries associated with the new conception of impartiality is critical if we are to move beyond the usual litany of 'lessons learned' studies as well as the technical solutions to peacekeeping dilemmas so frequently tabled by practitioners and academics.

Understanding contemporary peacekeeping practice as well as other liberal internationalist advances requires an acute sensitivity to context, and an appreciation of how politics—international, institutional, and local—shapes practice. More fundamentally, the way in which even the most laudable of international norms may produce grievous unintended consequences requires both practitioners and academics to be more reflective about the norms they study, defend, and even espouse. Seen from such a multiplicity of perspectives, the loud circling of the UN's helicopter gunships during *Operation Djugu III* represents a stage of evolution in international relations that this book argues is anything but impartial.

NOTES

1. MONUC, 'OP DJUGU - III', Eastern Command, Powerpoint presentation, March 2005 (internal).
2. Quoted in Marc Lacey, 'U.N. forces using tougher tactics to secure peace', *The New York Times*, 23 May 2005.
3. Interview with Lt. Gen. Gaye, Military Advisor to the UN Secretary-General; former Force Commander, MONUC/MONUSCO, New York, October 2011.
4. United Nations, A/55/305-S (2000), ix.
5. Shashi Tharoor, 'Should UN Peacekeeping Go "Back to the Basics?"', *Survival* 37/4 (1995-6), 58.
6. Alan James, 'The United Nations, Peace Keeping, and Nonalignment', in *The Nonaligned and the United Nations*, edited by M.S. Rajan et al. (New York: Oceana, 1987), 11.
7. Dominick Donald, 'Neutral is not Impartial: the Confusing Legacy of Traditional Peace Operations', *Armed Forces and Society* 29/3 (2003), 415-48; Dominick Donald, *Active Impartiality: A Survival System for 'Grey Area' Peace Support Operations* (London: King's College London, Department of War Studies, 2006).
8. Interview with Louise Fréchette, former Deputy Secretary-General of the UN, Montreal, March 2011. Donald Daniel and Bradd Hayes refer to this as 'blind impartiality', defined as the unprejudiced execution of the mandate 'regardless of the consequences to any party'. *Coercive Inducement and the Containment of International Crisis* (Washington, DC: USIP Press, 1999), 25.
9. Richard Betts, 'The Delusion of Impartial Intervention', *Foreign Affairs* 73/20 (1994), 28.
10. Chapter 2 discusses peacekeeping's relationship to assertive liberal internationalism at greater length. This broader shift has also been conceived by scholars as the 'individualization of warfare'. The term refers to the processes by which the rights and responsibilities of individuals, as opposed to those of collective political entities such as states, are transforming the theory and practice of armed conflict. See *Individualization of War Project*, European University Institute, <http://iow.eui.eu/>; Gabriella Blum, 'The Individualization of War: From War to Policy in the Regulation of Armed Conflicts', in *Law and War*, edited by Austin Sarat, et al. (Stanford: Stanford University Press, 2014), 48-83.
11. The Court may, for instance, prosecute nationals of states not party to the Statute if they have committed international crimes on the territory or against nationals of states party to the Statute. In addition, the Security Council may, acting under Chapter VII, refer a situation in which crimes appear to have been committed to the ICC prosecutor. According to the Statute, the conduct of all proceedings must be impartial, and agents of the Court, including judges and the prosecutor, must take a solemn oath to exercise their duties impartially. See Articles 17, 20, 36, 41, 42, 45, 64, 67 and 68 of the Rome Statute (1998).
12. United Nations, *Rights Up Front: A Plan of Action to Strengthen the UN's Role in Protecting People in Crises. Follow-up to the Report of the Secretary-General's Internal Review Panel on UN Action in Sri Lanka*, 9 July 2013, Reprinted with

- the permission of the United Nations, 4. See also 'Human Rights Up Front' website, <http://www.un.org/sg/rightsupfront/>
13. Ruti Teitel, *Humanity's Law* (Oxford: Oxford University Press, 2011). See also Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: Norton, 2011); Bruce Cronin, 'International Consensus and the Changing Legal Authority of the UN Security Council', in *The UN Security Council and the Politics of International Authority*, edited by Bruce Cronin and Ian Hurd (London: Routledge, 2008), 57–79.
 14. Statement by Ambassador Peter Wilson, Deputy Permanent Representative of the UK Mission to the UN, Security Council Open Debate on Protection of Civilians, 12 February 2014. Speech available at <http://www.gov.uk/government/speeches/protecting-civilians-transcends-politics>
 15. For example, see Anthony Julius, 'Human rights: the new secular religion', *Guardian*, 19 April 2010; Andrew Nathan, 'How human rights became our ideology', *New Republic*, 16 November 2012; Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca: Cornell University Press, 2013); Eric A. Posner, *The Twilight of Human Rights Law* (Oxford: Oxford University Press, 2014).
 16. Exceptions include: Donald (2003, 2006); Jane Boulden, 'Mandates Matter: An Exploration of Impartiality in United Nations Operations', *Global Governance* 11/2 (2005), 147–60; Hikaru Yamashita, '"Impartial" Use of Force in United Nations Peacekeeping', *International Peacekeeping* 15/5 (2008), 615–30; Daniel Levine, 'Peacekeeper Impartiality: Standards, Processes, and Operations', *Journal of International Peacekeeping* 15/3 (2011), 422–50. These texts do not however address the underlying political issues associated with impartiality.
 17. On the use of force, see Michael Pugh, ed., *UN, Peace and Force* (London: Frank Cass, 1997); Trevor Findlay, *Use of Force in UN Peace Operations* (Oxford: Oxford University Press, 2002); Niels Blokker and Nico Schrijver, eds., *The Security Council and the Use of Force: Theory and Reality—A Need for Change?* (Leiden: Martinus Nijhoff, 2005); Christine Gray, *International Law and the Use of Force*, 3rd ed. (Oxford: Oxford University Press, 2008); Marc Weller, ed., *The Oxford Handbook of the Use of Force in International Law* (Oxford: Oxford University Press, 2015). On consent, see Neil Fenton, *Understanding the UN Security Council: Coercion or Consent?* (London: Ashgate, 2004); Ian Johnstone, 'Managing Consent in Contemporary Peacekeeping Operations', *International Peacekeeping* 18/2 (2011), 168–82.
 18. Numerous practitioners and scholars have stressed the importance of impartiality in peacekeeping. E.g., Alan James, *Peacekeeping in International Politics* (London: Macmillan, 1990), 3, 106; Virginia Fortna, *Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War* (Princeton: Princeton University Press, 2008), 5; Adekeye Adebajo, *UN Peacekeeping in Africa: From the Suez Crisis to the Sudan Conflicts* (Boulder: Lynne Rienner, 2011), 9.
 19. David Roberts, 'More Honoured in the Breach: Consent and Impartiality in the Cambodian Peacekeeping Operation', *International Peacekeeping* 4/1 (1997), 1–25; David Gibbs, 'The United Nations, International Peacekeeping and the Questions of "Impartiality": Revisiting the Congo Operation of 1960', *Journal of Modern African Studies* 38/3 (2000), 359–82; Anne Hughes, 'Impartiality and the UN

- Observation Group in Lebanon, 1958', *International Peacekeeping* 9/4 (2004), 1–20; Yuka Hasegawa, 'The United Nations Assistance Mission in Afghanistan: Impartiality in New UN Peace Operations', *Journal of Intervention and Statebuilding* 2/2 (2008), 209–26.
20. A body of critical scholarship has developed over the last two decades that exposes and critiques the commitment of many scholars to the liberal underpinnings of contemporary peacekeeping and the literature's overwhelming focus on policy-oriented research. See, for example, Roland Paris, 'Broadening the Study of Peace Operations', *International Studies Review* 2/3 (2000); Michael Pugh, 'Peacekeeping and Critical Theory', *International Peacekeeping* 11/1 (2004), 39–58; Oliver Richmond, 'Critical Research Agendas for Peace: The Missing Link in the Study of International Relations', *Alternatives: Global, Local, Political* 32/2 (2007), 247–74. These works however give only cursory consideration to the concept of impartiality.
 21. Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca: Cornell University Press, 2004), 124.
 22. Jarat Chopra, John Mackinlay and Larry Minear, *Report on the Cambodian Peace Process* (Oslo: Norwegian Institute of International Affairs, 1993), 93. Betts, for example, urged that the 'gentle, restrained impartiality' of the Cold War period be abandoned in favour of an 'active harsh impartiality that overpowers both sides: an imperial impartiality' (1994: 28). For Daniel and Hayes, traditional 'symbiotic impartiality' (avoidance of prejudicing the interests of the parties) had given way to a 'blind' impartiality necessary in coercive inducement (1999: 61). In the context of what he observed as the 'changing meaning of impartiality', Adam Roberts asserted that peacekeepers were not to be impartial 'between the parties to a conflict' but rather impartial 'in carrying out UN Security Council decisions'. He argued that in some cases the UN should be 'tougher with one party than another'. Roberts, 'The Crisis in UN Peacekeeping', *Survival* 36/3 (1994), 115. See also Chapter 2 for a discussion of Mary Kaldor's conception of peacekeeping as impartial 'cosmopolitan law enforcement' in *New and Old Wars: Organized Violence in a Global Era*, 2nd ed. (Cambridge: Polity Press, 2006).
 23. See Donald (2003); Nicholas Tsagourias, 'Consent, Neutrality/Impartiality and the Use of Force in Peacekeeping: Their Constitutional Dimension', *Journal of Conflict and Security Law* 11/3 (2006), 465–82. As discussed in Chapter 1, this imposed distinction is problematic in two respects. First, it fails to account for the conceptual differences that exist between impartiality and neutrality. Second, it obfuscates the language people *actually* used. Impartiality has been such a staple of institutional practice that scholars have argued that there is strong evidence that the norm has formal standing in international law stemming from both custom and the instruments necessary to create specific missions. See Shyla Vohra, 'Impartiality in United Nations Peace-Keeping', *Leiden Journal of International Law* 9/1 (1996), 63–85.
 24. Yamashita (2008: 619).
 25. John Rawls, 'Justice as Fairness: Political not Metaphysical', *Philosophy and Public Affairs* 14/3 (1985), 246.

26. Thomas Franck, *The Structure of Impartiality: Examining the Riddle of One Law in a Fragmented World* (New York: Macmillan Company, 1968), 331.
27. I define institutionalization as the process during which the new conception of impartiality became reflected in the UN and specifically in organizational policy documents, standard operating procedures, and formal and informal agreements between members of the organization. As other scholars have demonstrated, the institutionalization of international norms occurs at various levels (local, national, regional, and international). My analysis focuses primarily on institutionalization as a macro-level, international process, although as Chapter 2 explains, the new, more assertive concept of impartiality has also been institutionalized in the national doctrine of various troop-contributing countries. Implementation is a distinct but related process during which actors interpret and follow the prescriptions associated with a norm that has been formally adopted. As a norm of peacekeeping, impartiality's implementation encompasses a variety of actors: from the Security Council, which provides the initial authorization for and ongoing guidance to a mission in consultation with the Secretariat and host country, down to the boots on the ground.
28. For example, see United Nations, S/PV.4083 (1999), 6; S/PV.4194 (2000), 6, 17; S/PV.4143.1 (2002), 22.
29. United Nations, S/PV.4083 (1999), 6.
30. United Nations, S/RES/2098 (2013), 7–8. The mandate was subsequently renewed in S/RES/2147 (2014) and S/RES/2211 (2015).
31. MONUSCO's conditionality policy (2010) provided the impetus for the UN's *Human Rights Due Diligence Policy on United Nations Support to non-United Nations Security Forces*, applicable to all peacekeeping missions and UN entities that provide assistance to non-UN security forces. United Nations, A/67/775 (2013). Additionally, protection tools developed by the mission have been incorporated into best practices and have been applied in other operational contexts. See, for example, United Nations, 'Lessons Learned: Report on the Joint Protection Team (JPT) Mechanism in MONUSCO. Strengths, Challenges, and Considerations for Replicating JPTs in Other Missions', DPKO/DFS-OHCHR, 2013.
32. See Jennifer Welsh and Dominik Zaum, 'Legitimation and the United Nations Security Council', in Dominik Zaum, ed., *Legitimizing International Organizations* (Oxford: Oxford University Press, 2013); Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton: Princeton University Press, 2007); Allen Buchanan and Robert Keohane, 'The Legitimacy of Global Governance Institutions', *Ethics and International Affairs* 20/4 (2006), 405–37. In addition to both substantive and consequential (or output) legitimacy, scholars note the importance of procedural legitimacy, that is, legitimacy related to the character of decision-making procedures. While procedural objections over impartiality do appear, as discussed in Chapter 3, I argue that ultimately they are secondary to substantive and consequential objections. In short, reforms to address decision-making procedures are unlikely to resolve these more fundamental differences. Moreover, in the context of the UN—where enlarging participation in decision-making is usually discussed as a way to bolster legitimacy—there is a risk

- that reform will come at the cost of effectiveness. Thomas Franck, *The Power of Legitimacy Among Nations* (Oxford: Oxford University Press, 1990).
33. For an overview of the literature, see contributions to 'Future Directions for Peacekeeping Research', *International Peacekeeping* 21/4 (2014), 481–538.
 34. See, for example, Alex Bellamy and Paul Williams, *Providing Peacekeepers: The Politics, Challenges, and Future of United Nations Peacekeeping Contributions* (Oxford: Oxford University Press, 2013); Jeni Whalan, *How Peace Operations Work: Power, Legitimacy and Effectiveness* (Oxford: Oxford University Press, 2013); Philip Cunliffe, *Legions of Peace: UN Peacekeepers from the Global South* (New York: Hurst & Co., 2014); Jair Van Derlijn and Xenia Avezov, *The Future Peace Operations Landscape: Voices from Stakeholders around the Globe* (Stockholm: SIPRI, 2015).
 35. For a comprehensive overview, see Séverine Autesserre, 'Going Micro: Emerging and Future Peacekeeping Research', *International Peacekeeping* 21/4 (2014), 492–500.
 36. Abram Chayes and Antonia Handler Chayes, *The New Sovereignty* (Cambridge: Harvard University Press, 1995), 113 (emphasis in the original).
 37. John Ruggie, *Constructing the World Polity: Essays on International Institutionalization* (London: Routledge, 1998), 12.
 38. Finnemore and Sikkink's three-stage 'life cycle' is the most widely cited model in this area of scholarship. Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization* 52/4 (1998), 887–917. In the first stage, *norm emergence*, highly motivated entrepreneurs conceive of and pursue the creation of a norm. To strengthen their position, they use platforms such as international organizations to reach a wide and diverse audience, and begin institutionalizing the norm. During institutionalization, early-adopting states socialize other states to follow them through a combination of persuasion, social, and cognitive pressures. This is a, if not *the*, critical step in the life cycle, as it is during institutionalization that the norm gains support as states 'clarify what, exactly, the norm is and what constitutes violation' (900). This contributes strongly to the potential for a *norm cascade* during which a critical mass of states embrace the norm. Once this occurs, it enters the third stage, the *internalization* of the norm. At this mature stage, norms themselves 'become more important than domestic politics for effecting norm change' (902) and achieve a 'taken for granted' status (896). See also Thomas Risse, Stephen Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).
 39. See, for example, Jeffrey Legro, 'Which Norms Matter? Revisiting the "Failure" of Internationalism', *International Organization* 51/1 (1997), 31–63; Jeffrey Checkel, 'Norms, Institutions, and National Identity in Contemporary Europe', *International Studies Quarterly* 43/1 (1999), 83–114; Andrew Cortell and James Davis, 'Understanding the Domestic Impact of International Norms: A Research Agenda', *International Studies Review* 2/1 (2000), 65–87.
 40. Amitav Acharya, 'How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism', *International Organization* 58/2 (2004), 239–75. According to Acharya, localization goes further than socialization

- and is the 'active construction (through discourse, framing, grafting, and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices', (243–5). See also Amitav Acharya, 'Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule Making in the Third World', *International Studies Quarterly* 55/1 (2011), 95–123.
41. Finnemore and Sikkink (1998: 900). Similarly, scholars in the second wave illuminate the various factors that contribute to the successful adoption of a norm in the domestic or regional context into which it is introduced. And while Acharya (third wave) ascribes greater dynamism to the notion of localization, his concern is with explaining congruence and the processes by which foreign ideas become consistent with pre-existing normative orders. Across this scholarship, institutionalization is overwhelmingly portrayed as a progressive process during which norm convergence occurs. That a dominant norm could become embedded institutionally and yet remain ambiguous and contested is not considered by these scholars.
 42. Antje Wiener, *The Invisible Constitution of Politics: Contested Norms and International Encounters* (Cambridge: Cambridge University Press, 2008); Samuel Barkin, *Realist Constructivism: Rethinking International Relations Theory* (Cambridge: Cambridge University Press, 2010); Matthias Hofferberth and Christian Weber, 'Lost in Translation: A Critique of Constructivist Norm Research', *Journal of International Relations and Development* 18/1 (2015), 75–103.
 43. As political philosopher James Tully writes: 'The traditional end-point of normative analysis, even when it is related to practical case studies, leaves the entire field of implementation and review to empirical social sciences, often under the false assumption that implementation is different in kind from justification, simply a technical question of applying rigid rules correctly.' 'The Unfreedom of the Moderns in Comparison to Their Ideals of Constitutional Democracy', *The Modern Law Review* 65/2 (2002), 227.
 44. Stacie Goddard and Daniel Nexon, 'Paradigm Lost? Reassessing Theory of International Politics', *European Journal of International Relations* 11/1 (2005), 14.
 45. I accept that actor interpretations and motivations to accept or reject the norm may reflect both 'logic of appropriateness' and/or 'logic of consequences'. While the separation of 'logics' remains widespread in the literature, a healthy scepticism about the professed autonomy of these logics has begun to develop, and a growing group of constructivist scholars have come to regard this distinction as spurious. They illustrate the various ways in which norm adoption and behaviour are often motivated by both social belief and strategic considerations, in ways that are difficult to separate. In line with this scholarship, I conceive of both logics as being often entwined to shape how impartiality is interpreted, contested, and enacted. See, for example, Hurd (2007: 16); Alexander Betts and Phil Orchard, eds., *Implementation and World Politics: How International Norms Change Practice* (Oxford: Oxford University Press, 2014).
 46. Quoted in Andrew Hurrell and Terry MacDonald, 'Norms and Ethics in International Relations', in *Handbook of International Relations*, edited by Walter Carlsnaes, et al. (London: Sage, 2012), 72–3.

47. Wiener (2008).
48. Antje Wiener, for example, emphasizes a norm's 'cultural' validity, the less tangible 'background knowledge' or 'ways of life' that actors have accumulated through experience and social interaction about a norm's substance within a particular context, and which are distinct from its 'formal validity' (or text) resulting from institutionalization (2008: 11). She argues that contestation and thus the possibility for different meanings and practices is conditioned by the type of norm and its specificity as well as contextual changes (namely, historical contingency; changes in social practice; situations of crisis) which reduce the 'social feedback' necessary to interpret a norm (2008: 6). Alexander Betts and Phil Orchard broaden the analysis to focus on a more expansive set of structures (ideational, material and institutional) that, in combination with particular actors exerting agency on those structures, may play a constitutive role (changing the norm) or have a constraining influence (channelling the norm) during implementation. Betts and Orchard, eds., (2014). Other scholars have also used the concept of implementation, albeit with less conceptual theorizing, e.g., Carolyn Deere, *The Implementation Game: The Trips Agreement and the Global Politics of Intellectual Property Reform in Developing Countries* (New York: Oxford University Press, 2009); Séverine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peace Building* (New York: Cambridge University Press, 2010); *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (New York: Cambridge University Press, 2014).
49. Wiener, for example, assumes the 'formal validity' of the fundamental norms she studies, describing them somewhat offhandedly, as having 'found their way into international treaties, conventions or agreements' (2008: 82). But she does not explain *how* they 'found their way' or perhaps are 'still finding their way' in processes of ongoing institutionalization. What is more, Wiener's theory of contestation largely omits consideration of power relations. By focusing on individual interpretations of a norm, Wiener's account of 'meaning-in-use' does not consider the relative influence of particular individuals in determining which meaning of a norm *is* enacted. Indeed, her theory would suggest that all norm contestation is among interpretations of equal standing. The relative power of actors in the negotiation, adoption, and implementation of a norm and the ways in which these processes may privilege particular outcomes is left unattended. Similarly, Betts and Orchard, eds., (2014) focus exclusively on implementation.
50. Mark Bevir, 'Introduction: Interpretive Methods', in *Interpretive Political Science* (Vol. 2), edited by Mark Bevir (London: Sage Publications, 2010), vii.
51. On historical narrative see Hidemi Suganami, 'Narrative Explanation and International Relations: Back to the Basics', *Millennium: Journal of International Studies* 37/2 (2008), 327–56; Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997).
52. Primary sources I consulted include: policy documents, provisional verbatim of public debates and plenary sessions, speeches, communiqués, field manuals, military doctrine and training documents, and letters and memoirs of key individuals. UN and government research reports, including draft documents, were also examined to capture institutional reflection and deliberations in the wake of

particular events or following specific operations. This research was coupled with close analysis of all Security Council resolutions authorizing the deployment of over 1,000 forces to determine the changing substance and practices associated with impartiality and called for in mission mandates. Secondary sources on peacekeeping, the UN, humanitarianism, international criminal justice, military intervention, and international history were critical in providing a broader context for impartiality's evolution at the macro-level.

53. For IR scholarship drawing on ethnographic methods, see Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca: Cornell University Press, 2002); Stephen Hopgood, *Keepers of the Flame* (Ithaca: Cornell University Press, 2007); Autesserre (2010, 2014).
54. During my fieldwork, I was based in Goma, the capital of North Kivu province. The Kivus are the epicentre of Congo's ongoing conflict and for much of the last decade have been the priority area for the UN mission and its operations. Research was conducted throughout North Kivu in five of the province's six territories (Masisi, Rutshuru, Beni, Nyiragongo, and Lubero). I also made separate trips to Bukavu, capital of South Kivu, and Kinshasa to gain a broad spectrum of perspectives and ensure that my findings were representative of mission dynamics more generally.
55. Throughout the book I fully reference the data obtained through on-record interviews. In characterizing anonymous interviewees, I list only their official status, month, year, and location of the interview. In certain cases, location is omitted to ensure confidentiality and safety of participants.
56. From January to April 2010, I attended daily briefings at 'Forward HQ' in Goma. These meetings were roughly an hour in duration and covered security and political developments in the east (including North Kivu, South Kivu, and Province Orientale). This was particularly advantageous as it enabled me to stay informed of dynamics beyond North Kivu, and was thus a means to further ensure that my findings were representative. In addition, I attended several 'protection cluster' meetings. Hosted by OCHA, these coordination meetings draw together staff from UN agencies as well as from the wider humanitarian community to discuss protection needs and programming.
57. I visited company operating bases (COBs) of the main TCCs in North Kivu (Indian, Nepalese, South African, and Uruguayan contingents), located in five territories.
58. In addition to the primary sources cited above, in Congo I was granted access to over 1,000 internal UN documents and memos. These documents provide considerable insight into decision-making at various levels within the mission, and shed light on contestation among officials about particular decisions and courses of action.
59. Friedrich Kratochwil and John Gerard Ruggie, 'International Organization: A State of the Art on an Art of the State', *International Organization* 40/4 (1986), 767; Friedrich Kratochwil, 'How Do Norms Matter?', in *The Role of Law in International Politics: Essays in International Relations and International Law*, edited by Michael Byers (Oxford: Oxford University Press, 2000), 35–68; Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*

- (Ithaca: Cornell University Press, 2003), 15; Nina Tannenwald, *The Nuclear Taboo: the United States and the Non-Use of Nuclear Weapons since 1945* (Cambridge: Cambridge University Press, 2007).
60. See also, Sarah Percy, *Mercenaries. The History of a Norm in International Relations* (Oxford: Oxford University Press, 2007); Richard Price, ed., *Moral Limit and Possibility in World Politics* (Cambridge: Cambridge University Press, 2008).
61. Harry Eckstein, 'Case Study and Theory in Political Science', in *Handbook of Political Science*, edited by Fred Greenstein and Nelson Polsby (Reading: Addison Wesley, 1975), 104.
62. Alexander George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 19.
63. See, for example, Brian Barry, *Justice as Impartiality* (Oxford: Oxford University Press, 1995); Susan Mendus, *Impartiality in Moral and Political Philosophy* (Oxford: Oxford University Press, 2002); Pierre Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity* (Princeton: Princeton University Press, 2011); Ofer Raban, *Modern Legal Theory and Judicial Impartiality* (London: Routledge, 2012).
64. Bernard Gert, *Morality: Its Nature and Justification*, 2nd ed. (Oxford: Oxford University Press, 2005), 131.
65. Charles Geyh, 'The Dimensions of Judicial Impartiality', *Florida Law Review* 65/2 (2014), 495.
66. Geyh (2014: 495).