



Imagining Peacekeeping in Gaza: A Future Case Study of Current Challenges to UN Peacekeeping

Master of International Security and Law (MOISL)

Master's Thesis

Research Question:

To what extent could a UN-mandated Peacekeeping mission in Gaza support the durability of a peace agreement between Israel and Hamas, and how would the evolving Peacekeeping characteristics of host state consent, impartiality, and limited use of force affect the feasibility of such a mission?

Written by Mette Ager Hammerich

Student ID: 177610248, 3 July 1998.

Supervisor: Martin Mennecke.

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Abstract

This thesis investigates whether a UN-mandated Peacekeeping mission could contribute to the durability of a future peace agreement between Israel and Hamas, and how the evolving characteristics of host state consent, impartiality, and the limited use of force shape the feasibility of such a deployment. The 2025 UN Peacekeeping Ministerial has prompted new commitments and reform proposals, sparking renewed debate about the role and limitations of UN Peacekeeping in today's shifting security landscape. Recent calls by the Arab League for the establishment of an international presence in Gaza have further amplified the issue, situating the Gaza case within wider discussions on the future of Peacekeeping in fragmented, politically sensitive, and operationally complex environments. To assess feasibility, this thesis adopts a doctrinal legal approach combined with case study analysis. It examines how the core principles of Peacekeeping—host-state consent, impartiality, and the limited use of force—have evolved over time, particularly in response to increasingly complex conflict environments, drawing lessons from MINUSMA and MONUSCO. The analysis further considers how legal ambiguities between Security Council enforcement obligations and the sovereign right of states to self-defense—particularly in instances of perceived non-compliance—may undermine the effectiveness and legitimacy of Peacekeeping missions, using UNIFIL and the Iraq War as comparators. Finally, these insights are applied to the context of Gaza, evaluating possible mandate models, consent dynamics, and alternative mission architectures.

The findings indicate that while Peacekeeping remains a valuable mechanism for international crisis management, its implementation in Gaza would face nearly insurmountable legal and political obstacles. Chief among these is the absence of a unified authority: Hamas exercises *de facto* control over Gaza, the Palestinian Authority lacks operational capacity on the ground, and Israel is currently exercising control over most of Gaza's borders. UNIFIL has not only failed to fulfill its mandate by preventing both Hezbollah and Israel from operating in southern Lebanon; it has also highlighted the legal uncertainty surrounding the relationship between Article 25 and Article 51 of the UN Charter, which allows states to bypass binding Security Council resolutions by invoking unilateral self-defense, thereby undermining the foundations of collective security. While new models—such as modular or regionally led operations—present conceptual innovations in UN Peacekeeping, they do not resolve a central issue in the Gaza context: the absence of a recognized authority creates uncertainty over from whom host state consent should be obtained, a factor that remains essential from both legal and operational standpoints. Therefore, this thesis concludes that neither current Peacekeeping frameworks nor the alternative models examined herein offer a viable or feasible instrument to ensure the durability of a future ceasefire between Israel and Hamas.

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List of Abbreviations

AL	Arab League
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
FIB	Force Intervention Brigade
GA	General Assembly
HIPPO	High-Level Independent Panel on Peace Operations
IHL	International Humanitarian Law
LAF	Lebanese Armed Forces
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
OIOS	United Nations Office of Internal Oversight Services
POC	Protection of Civilians
SDU	Southern University of Denmark
SC	Security Council
UN	United Nations
UNDOF	United Nations Disengagement Observer Force
UNDPO	United Nations Department of Peace Operations
UNIFIL	United Nations Interim Force in Lebanon
UNSCO	The office of the United Nations Special Coordinator for the Middle East Peace Process
UNTSO	United Nations Truce Supervision Organization
VCLT	The Vienna Convention on the Law of Treaties

1. Introduction

After sixteen months of hostilities, a ceasefire agreement between Israel and Hamas entered into force in January 2025. Originally proposed by the Biden administration in June 2024 and subsequently adopted by the United Nations Security Council (UNSC) through Resolution 2735, the agreement outlined a three-phase process: (1) a full and immediate ceasefire, accompanied by the release of Israeli hostages and Palestinian detainees, as well as the withdrawal of Israeli forces from populated areas in Gaza; (2) negotiations aimed at achieving a permanent cessation of hostilities and the release of remaining hostages; and (3) the launch of a multi-year reconstruction plan for Gaza, coordinated by international actors.¹ However, issues of compliance emerged almost immediately. In February 2025, Hamas suspended the release of Israeli hostages, citing Israel's alleged failure to meet its obligations—particularly the continuation of military operations during a period that was intended as a pause in hostilities.² In turn, Israel ceased its own release of Palestinian prisoners, characterizing the hostage exchanges as politically damaging and “humiliating.”³ By March 2025, the initial six-week phase of the ceasefire had officially concluded, and the Israeli government, citing Hamas' refusal to engage in negotiations for phase two, resumed its military campaign in Gaza.⁴

In February 2025, U.S. President Donald Trump announced a plan to remove Gaza's Palestinian population and convert the territory into a commercial holiday destination.⁵ This announcement provoked widespread outrage across the Arab world and led to a unified call by the Arab League (AL) for the establishment of a UN Peacekeeping mission in Gaza.⁶ In March 2025, Senior Humanitarian and Reconstruction Coordinator for Gaza, Sigrid Kaag, briefed the Security Council on the humanitarian situation and the Arab League's proposal.⁷ A SC forecast for April 2025

¹ UNSC, *Resolution 2735 (2024)*, UN Security Council, (S/RES/2735, 2024).

² Al Jazeera, “Fears for ceasefire after Hamas suspends release of Israeli captives.”, *Al Jazeera and news agencies*, 10 February 2025 (Available at <https://www.aljazeera.com/news/2025/2/10/hamas-suspends-release-israeli-captives-over-ceasefire-violations>).

³ Agencies and TOI Staff, “Israel halts release of Palestinian prisoners over ‘humiliating’ hostage handovers.”, *Times of Israel*, 23 February 2025 (Available at <https://www.timesofisrael.com/israel-halts-release-of-palestinian-prisoners-over-humiliating-hostage-handovers/>).

⁴ Mick Krever, “Israel has resumed the war in Gaza. Why now?”, *CNN*, 19 March 2025 (Available at <https://edition.cnn.com/2025/03/18/middleeast/israel-gaza-hamas-ceasefire-explainer-intl>).

⁵ Al Jazeera, “What Donald Trump said about his plans to ‘take over’ Gaza.”, *Al Jazeera and news agencies*, 5 February 2025 (Available at <https://www.aljazeera.com/news/2025/2/5/what-donald-trump-said-about-his-plans-to-take-over-gaza>).

⁶ Al Jazeera, “Arab League calls for UN peacekeepers in occupied Palestinian territory.”, *Al Jazeera and news agencies*, 16 May 2024 (Available at <https://www.aljazeera.com/news/2024/5/16/arab-league-calls-for-un-peacekeepers-in-occupied-palestinian-territory>).

⁷ “What’s in Blue: The Middle East, including the Palestinian Question: Closed Consultations with Senior Humanitarian and Reconstruction Coordinator for Gaza Sigrid Kaag.”, 4 March 2025 (Available at <https://www.securitycouncilreport.org/whatsinblue/2025/03/the-middle-east-including-the-palestinian-question-closed-consultations-with-senior-humanitarian-and-reconstruction-coordinator-for-gaza-sigrid-kaag.php>).

indicated that the prospect of deploying a Peacekeeping mission to Gaza could become a topic of discussion in the council, particularly in view of the forthcoming 2025 UN Peacekeeping Ministerial.⁸

Bringing together high-level representatives from more than 85 Member States, regional organizations, and civil society, the 2025 UN Peacekeeping Ministerial—held in Berlin from 13–14 May—aimed to generate renewed momentum behind the UN’s Peacekeeping reform agenda. The meeting focused on strengthening core Peacekeeping priorities, including the protection of civilians (POC), the role of women in peace operations, and the safety and security of Peacekeeping personnel.⁹ Notably, the Ministerial resulted in more than 200 pledges by 74 Member States, promising to support and deliver critical capabilities such as specialized military units, gender-responsive deployments, medical support, rapid deployment mechanisms, and strategic airlift capacities.¹⁰ These pledges reflect a broad consensus that Peacekeeping remains a vital instrument for maintaining international peace and security, and that meaningful reform must address both practical operational gaps and broader structural challenges.¹¹ The Berlin Ministerial thus highlights both the urgency and the momentum behind Peacekeeping reform, situating current debates within a wider, ongoing process of institutional renewal.

This thesis investigates whether a UN-mandated Peacekeeping mission could help ensure the durability of a potential new peace agreement between Israel and Hamas. In doing so, it assesses how the evolving principles of host state consent, impartiality, and limited use of force shape the feasibility of such a deployment. It also considers other factors influencing this feasibility, including Israel’s relationship with the UN, lessons drawn from an ongoing Peacekeeping mission in the region—specifically the United Nations Interim Force in Lebanon (UNIFIL)—and the ambiguous relationship between states’ obligations to comply with SC resolutions and their right to self-defense. The subsequent chapters examine each of these challenges. Chapter 3 revisits the core principles of Peacekeeping—consent, impartiality, and limited use of force—and traces their doctrinal development. Chapter 4 analyzes UNIFIL in Lebanon, highlighting its operational achievements as well as its strategic and legal limitations. Chapter 5 evaluates the prospects for constructing a

⁸ “Monthly Forecast: April 2025 Monthly Forecast: UN Peacekeeping,” 31 March 2025 (Available at <https://www.securitycouncilreport.org/monthly-forecast/2025-04/un-peacekeeping-15.php>).

⁹ All relevant information can be found on the website of the United Nations Peacekeeping Ministerial 2025 (Available at <https://peacekeeping.un.org/en/united-nations-peacekeeping-ministerial-2025>).

¹⁰ Vibhu Mishra, “In Berlin, broad backing for UN peacekeeping as global threats mount,” *UN News*, 14 May 2025 (Available at <https://news.un.org/en/story/2025/05/1163246>) All relevant information can be found on the website of the United Nations Peacekeeping Ministerial 2025 (Available at <https://peacekeeping.un.org/en/united-nations-peacekeeping-ministerial-2025>).

¹¹ Ibid.

Peacekeeping mission in Gaza, focusing on variations in mandate design, consent mechanisms, and mission architecture.

2. Methodological Approach

This chapter outlines the methodological framework guiding the thesis, explaining how descriptive-doctrinal legal research and comparative case study methods are applied to assess the feasibility of UN Peacekeeping in Gaza. The chapter also addresses the integration of artificial intelligence tools used to support the research and drafting process. Together, these methodological elements form the analytical foundation upon which the subsequent chapters are built.

2.1. Research Questions and Methodological Framework

The research conducted in this thesis is based on the following primary research question

To what extent could a UN-mandated Peacekeeping mission in Gaza support the durability of a peace agreement between Israel and Hamas, and how would the evolving Peacekeeping characteristics of host state consent, impartiality, and limited use of force affect the feasibility of such a mission?

This question is best understood as a descriptive-doctrinal research question, aiming to determine the current legal framework and assess how it applies to a defined problem. The goal is to describe and interpret existing law (*lex lata*)—in this case, the legal framework governing UN Peacekeeping.¹² Accordingly, the primary methodology employed is a doctrinal legal method, which involves interpreting authoritative legal sources such as treaties, SC resolutions, and case law. For this thesis, these sources primarily include the UN Charter and the mandates of Peacekeeping missions. While the central research question remains descriptive, parts of the thesis adopt a normative dimension by considering “what the law ought to be”¹³—particularly when evaluating the evolving Peacekeeping framework and its applicability in modern, complex conflicts such as the one between Israel and Hamas, in light of previous shortcomings in similar contexts like UNIFIL in Lebanon. In line with Van Hoecke’s methodological framework, the doctrinal researcher collects relevant texts and interprets them using hermeneutic and argumentative reasoning.¹⁴ Therefore, this thesis will also draw on the concepts of treaty interpretation (see section 2.1.1).

¹² Eliav Lieblich, “How to Do Research in International Law? A Basic Guide for Beginners.”, *Harvard Journal of International Law*, vol. 62, (2021), 2-3 & 9 (Available at <http://dx.doi.org/10.2139/ssrn.3704776>).

¹³ Leiblich, *supra* note 12, 5.

¹⁴ Mark Van Hoecke, “Legal Doctrine: Which Method(s) for What Kind of Discipline?”, in *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?*, Bloomsbury Publishing Plc, ProQuest Ebook Central, (2013), 4-5.

To facilitate the research conducted in response to the primary research question, additional sub-questions have been utilized.

1. How have evolving conflict dynamics reshaped the legal and operational meaning of core Peacekeeping principles, such as consent, impartiality, and the use of force?

This sub-question will be addressed in Chapter 3, “Consent, Use of Force and Impartiality – Still the Trinity of Peacekeeping?” It is a descriptive-doctrinal question that requires tracing the evolution of legal doctrine related to UN Peacekeeping through key UN resolutions and policy documents, such as the HIPPO Report and the *Pact for the Future*. The sub-question also involves identifying patterns in Peacekeeping practice—for example, in MINUSMA and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)—and examining how these practices have reshaped the practical application of the core principles.

2. What do Resolution 1701 and UNIFIL say about the duty to comply with Security Council resolutions and the right to self-defense and to what extent does this ambiguity effect the ability of UN Peacekeeping missions to serve as a measure to maintain international peace and security?

This sub-question is addressed in Chapter 4, “Peacekeeping Between Compliance and Self-Defense: Lessons Learned from UNIFIL.” The chapter adopts a descriptive-doctrinal approach, requiring a high degree of hermeneutic and argumentative discipline through the interpretation of the UN Charter. It draws on treaty interpretation, relevant case law, and legal commentary to examine the legal obligations arising from Security Council Resolution 1701 and Article 25 of the UN Charter, and whether these obligations constrain a state's right to self-defense under Article 51. The objective is not to assess the effectiveness of Resolution 1701 per se, but rather to explore—through legal analysis—the relationship between Articles 25 and 51, in order to clarify what is legally required of states under Security Council resolutions and how this impacts Israel’s ability to invoke self-defense.¹⁵

3. What would be the main conceptual challenges to a UN Peacekeeping mission in Gaza, and could a reimagined Peacekeeping model provide a more feasible and effective approach?

¹⁵ Leiblich, *supra* note 12, 3-4 & 9.

This sub-question is addressed in Chapter 5. “Mission Impossible? Consent, Mandate, and Reform in the Gaza Context.” It engages both descriptive and normative doctrinal approaches. It begins by identifying prospects for Peacekeeping as presented in UN reports and legal scholarship. The normative analysis examines whether existing UN Peacekeeping practices meet operational needs, using external benchmarks—such as conflict deterrence—to evaluate reform options.¹⁶ This involves assessing whether the identified prospects can be meaningfully applied to a modern, complex conflict scenario such as Gaza. Legal research is also normative when it seeks to argue for the “better law”.¹⁷ In this context, the chapter will explore possibilities for constructing Peacekeeping in Gaza that address the operational, legal, and political dilemmas posed by fragmented authority, contested consent, and the need for both legitimacy and adaptability in mandate design.

2.1.1. Treaty interpretation

Treaty interpretation forms a crucial component of this thesis's doctrinal legal methodology. In line with the Vienna Convention on the Law of Treaties (VCLT), the principles codified in Articles 31 and 32 guide the interpretation of binding legal texts—most notably the UN Charter and Security Council (SC) resolutions underpinning Peacekeeping mandates. Article 31 provides the general rule of interpretation, stating that a treaty shall be interpreted in good faith in accordance with the ordinary meaning of its terms, within their context, and in light of the treaty’s object and purpose. The context includes not only the text itself but also its preamble and annexes, as well as any related agreements or instruments concluded in connection with the treaty. Article 32 serves as a supplementary provision, allowing recourse to additional interpretative means, such as the preparatory work and the circumstances surrounding the treaty’s conclusion. These materials may be used to confirm the meaning derived from Article 31 or to resolve ambiguity, obscurity, or interpretations that lead to absurd or unreasonable results.¹⁸ These principles must be applied in relation to distinct interpretative approaches: the subjective approach (focusing on the intent of the parties), the objective approach (emphasizing the text itself), and the teleological approach (centering on the treaty’s purpose).¹⁹ While the provisions of the VCLT are general rules of treaty law, their relevance in this thesis extends to understanding the legal obligations of states under SC resolutions and the UN Charter (see more

¹⁶ Leiblich, *supra* note 12, 5-6.

¹⁷ Van hoecke, *supra* note 13, 10.

¹⁸ "Vienna Convention on the Law of Treaties," (Vienna, Austria: United Nations, 23 May 1969, *1155 UNTS 331*), Art. 31 & 32.

¹⁹ Malgosia Fitzmaurice, “The Practical Working of The Law of Treaties.”, in *International Law, Fifth Edition*, Edited by Malcom D. Evans, 138-173, Oxford University Press, (2018), 152-153.

in section 4.2.2). Thus, treaty interpretation in this thesis is not treated as a standalone exercise but is instead integrated into the broader doctrinal analysis. It supports both the descriptive and normative dimensions of the legal inquiry—clarifying what the law requires under existing mandates, and critically assessing how ambiguous or evolving interpretations affect the legitimacy, feasibility, and legality of Peacekeeping operations in contexts such as Gaza.

2.2. Case Selection

This thesis explores the feasibility of a UN Peacekeeping mission in Gaza through a combination of one primary and three secondary cases. The primary case—Peacekeeping in Gaza—is hypothetical; therefore, the analysis conducted to assess its feasibility is supported by three secondary cases: UNIFIL, MINUSMA, and the Iraq War. The selection strategy draws on comparative case selection approaches in international legal research.²⁰ These cases were chosen to reflect a diversity of legal dilemmas and Peacekeeping environments, enabling structured comparison and issue-driven analysis. Additionally, the selected cases serve as paradigmatic or illustrative examples that help identify specific legal and institutional challenges relevant to the primary case—particularly those concerning consent, impartiality, limited use of force, and compliance with SC resolutions under Chapter VII.

²⁰ Christopher Lamont, “Case Study Research in International Relations.”, In *Research Methods in International Relations*, Edited by Natalie Aguilera, 125-139, SAGE Publications Ltd., (2015), 132-134.

2.2.1. Primary Case

The thesis' primary case is a potential UN Peacekeeping mission in Gaza. While no such mission has yet been officially proposed to or by the SC, as discussed in the introduction, recent developments have made the scenario more plausible. On 29 April 2025, UN Secretary-General António Guterres urged the SC to act creatively in addressing the situation in Gaza.²¹ As mentioned, the AL has proposed a UN Peacekeeping mission in the territory. Peacekeeping missions have frequently been mandated to monitor or help implement ceasefire or peace agreements. Notably, all three current Peacekeeping missions in the Middle East—the United Nations Truce Supervision Organization (UNTSO), the United Nations Disengagement Observer Force (UNDOF), and UNIFIL—were initially or are currently mandated to monitor ceasefires.^{22,23} Although a Peacekeeping mission in Gaza remains hypothetical, it is precisely this unresolved status that makes it analytically valuable. As Liebllich observes, many of the most significant questions in international law remain untested before courts or institutions.²⁴

2.2.1.1. Challenges

A central challenge of choosing Peacekeeping in Gaza as the primary case for this thesis is that it remains an unresolved and ongoing conflict. Because the situation continues to evolve, developments during the writing process have at times interfered with the research and analysis already conducted. The thesis has been adapted where possible to account for significant new events. Another key challenge is that this case is hypothetical. No mission has been deployed, nor has the SC officially considered the option. It is not even certain that a new ceasefire agreement will be concluded—an outcome that remains uncertain. This hypothetical ceasefire is nonetheless the basic premise of the research question. As such, the thesis engages with a scenario that is not grounded in an existing UN operation but rather in a hypothetical case used to explore the challenges and limitations Peacekeeping missions face in the context of current conflicts. The use of a hypothetical case naturally entails certain limitations, particularly regarding the availability of relevant academic literature. There

²¹ António Guterres, “‘Take Irreversible Action towards Implementing Two-State Solution’, Secretary-General Tells Member States at Security Council Debate.”, UN doc. SG/SM/22631, 29 April 2025 (Available at <https://press.un.org/en/2025/sgsm22631.doc.htm>).

²² UNSC, *Resolution 50 (1948)*, UN Security Council (S/RES/50, 1948) UNSC, *Resolution 350 (1974)* UN Security Council (S/RES/350, 1974) UNSC, *Resolution 1701 (2006)*, UN Security Council (S/RES/1701, 2006).

²³ Please note: While SC Resolution 50 did not establish UNTSO it instructed a UN Mediator to supervise the ceasefire between Israel and Arab Forces. This UN Mediator became known as UNTSO in 1949.

²⁴ Liebllich, *supra* note 12, 22-23.

is currently very little scholarly research focused specifically on Peacekeeping in Gaza. Therefore, the thesis relies on comparisons with other Peacekeeping missions that present either similar political and legal dynamics or raise issues likely to become relevant in the context of Peacekeeping in Gaza.

2.2.3. Secondary Cases

The thesis draws on three main secondary cases to support the analysis of Peacekeeping in Gaza. These were selected using standard strategies from comparative legal research—namely, the most-similar systems approach, which compares cases that closely resemble the primary case except for a few key variables that may account for differing outcomes, and the least-similar case comparison approach, which compares cases that differ in most respects but share certain critical variables that may lead to similar outcomes.²⁵ These comparative methods were chosen for their capacity to illuminate specific legal and operational challenges that a Peacekeeping mission in Gaza might encounter.

- **UNIFIL**

UNIFIL is selected as a most similar systems case. It involves similar actors—Israel in cross-border conflict with a non-state armed group—and a similar premise: a UN mission tasked with enforcing a SC resolution, namely Resolution 1701. Furthermore, both conflicts have experienced compliance issues with SC resolution-based ceasefires, as discussed in the introduction and further addressed in section 4.1. UNIFIL remains the most important comparative case for analyzing the legal structure of ceasefire implementation through Peacekeeping in the Middle East (see more in Chapter 4). However, UNIFIL does not constitute a direct one-to-one comparison, as one of the most significant challenges to a Peacekeeping mission in Gaza—namely, the absence of unified governance—is not present in that case.

- **MINUSMA**

MINUSMA is selected as a most similar systems case—it shares key functional parallels: counterterrorism pressures, intelligence gaps, and weak regional coordination. These challenges echo the likely conditions of any Gaza mission. MINUSMA helps illuminate the difficulties Peacekeeping missions face when tasked with implementing a mandate in unstable security

²⁵ Lamont, *supra* note 20, 132-134.

environments, amid frequent armed confrontations and deep regional mistrust (see Section 3.3). Although MINUSMA operates in a West African state with different actors and regional dynamics, a future Peacekeeping mission in Gaza may encounter many of the same structural and operational challenges.

- **Iraq**

The Iraq War is included as a least-similar case comparison—no Peacekeeping mission was deployed, making the case vastly different from the primary case. However, it presents a legal issue that is directly relevant to this thesis: the debate over whether states are obligated to comply with SC resolutions when those resolutions have been breached by other parties, or when compliance is perceived to undermine a state's individual right to self-defense. This discussion is particularly important in relation to a potential Peacekeeping scenario in Gaza, as Israel has invoked both self-defense and the argument of prior breach to justify its non-compliance with Resolution 1701 (see more in Section 4.3). The Iraq case thus underscores a fundamental legal dilemma: whether and to what extent ceasefire obligations imposed by SC resolutions remain enforceable when contested by one or more parties. This question is especially significant in the context of a prospective Peacekeeping mission in Gaza aimed at supporting the implementation of a ceasefire agreement.

Together, these cases do not claim to model Gaza directly but offer critical legal and operational insights for evaluating what a Peacekeeping presence in Gaza might require, and whether such a mission would be legally and practically feasible. Collectively, they anchor the thesis's analysis in real-world experiences while enabling informed reflection on the distinct challenges a Peacekeeping mission in Gaza is likely to confront.

2.3. Use of AI

AI tools have been utilized throughout this paper in accordance with the General Regulations and Guidelines from the University of Southern Denmark (SDU).²⁶ The following section outlines the approach taken to the use of AI and identifies the specific tools employed in the research and writing process, while also addressing the opportunities and limitations these tools present. This account is based primarily on the guidelines issued by SDU, as well as the author's personal experiences with the application of these tools.

2.3.1. Research and Data Collection

Integrating ChatGPT into legal studies can serve as a catalyst for critical reflection, enabling students to approach legal topics from perspectives they might not have previously considered.²⁷ This tool has proven useful in highlighting alternative aspects of this thesis's case, some of which have been incorporated into the analysis. ChatGPT has also demonstrated efficiency in sourcing materials such as news articles, blog posts, and public statements. For more academically oriented sources—such as books and journal articles—the SDU library's AI tool, Primo Research Assistant, was used to support the research process.

2.3.2. Linguistic Assistance

ChatGPT has been used efficiently for linguistic purposes. Proofreading, rephrasing, and translation represent particularly effective applications of the tool. Throughout the writing of this thesis, ChatGPT has been employed primarily for these linguistic functions. It has assisted in refining sentence structure, enhancing clarity, and ensuring grammatical accuracy. This has contributed significantly to the overall readability, coherence, and professional tone of the thesis. Additionally, the AI tool Grammarly has also been used for similar purposes.

2.3.3. Text Generation

ChatGPT has also been used in this thesis for the generation of text, based on draft versions provided alongside specific sources and detailed prompts. However, it is important to emphasize that all AI-generated content was carefully reviewed, edited, and approved by the author to ensure academic integrity and maintain the overall quality of the work.

²⁶ All relevant information can be found on the website of the Southern University of Denmark (Available at https://mitsdu.dk/en/mit_studie/kandidat/int_sec_law/vejledning-og-support/aipaasdu).

²⁷ Michelle Burgis-Kasthala & Katherine May, "ChatGPT in the Classroom: Creating Spaces for Critical Reflection." *EJIL:Talk!*, 21 February 2025, (Available at <https://www.ejiltalk.org/chatgpt-in-the-classroom-creating-spaces-for-critical-reflection/>).

2.3.4. Limitations

AI tools have been utilized throughout this paper in a broad yet well-considered manner. Their use has been carefully tailored to each tool's unique strengths, with a full awareness of their significant limitations. Both ChatGPT and Primo Research Assistant include clear disclaimers indicating that the tools may produce errors and that all critical information should be independently verified.²⁸ Primo Research Assistant generates responses based solely on sources available through the university library, and thus cannot account for recent developments—a notable limitation in the context of this thesis, which investigates an ongoing and rapidly evolving issue. ChatGPT, while highly efficient at generating text, often produces inaccuracies concerning dates, resolution numbers, or legal cases, which limits the reliability of the output. These errors can occur even when the tool is given detailed prompts and specific sources. All AI-generated responses used in this thesis have been cross-checked against the relevant sources, and all content has undergone final review and approval by the author to ensure academic credibility.

²⁸ All relevant information can be found on the website of ChatGPT (Available at <https://openai.com/policies/>) and University of Southern Denmark's Library (Available at <https://mimer.sdu.dk/discovery/researchAssistant>).

3. Consent, Use of Force and Impartiality – Still the Trinity of Peacekeeping?

In its earliest forms, Peacekeeping missions focused primarily on observing ceasefires and facilitating conditions for negotiation.²⁹ The concept of Peacekeeping was grounded in three guiding principles: host-state consent, impartiality, and the limited use of force except in self-defense. These principles were designed to distinguish Peacekeeping from coercive enforcement and to preserve the legitimacy of missions by ensuring they operated in support of, rather than in opposition to, sovereign authority.³⁰ Over time, peacekeepers were increasingly deployed into internal conflicts and fragile states, often mandated to carry out broad tasks including election monitoring, disarmament, and institution-building, in pursuit of lasting peace through broader political, humanitarian, and development objectives.³¹ This expansion prompted scholars and practitioners to question how far Peacekeeping could evolve before losing its distinct identity. Legal ambiguities persisted—particularly concerning the use of force, the interpretation of impartiality in asymmetric conflicts, and the continued reliance on host-state consent in contexts involving non-state actors.³²

This chapter seeks to answer the research question: *How have evolving conflict dynamics reshaped the legal and operational meaning of core Peacekeeping principles, such as consent, impartiality, and the use of force?* It builds on these core principles and traces the shifting practices of Peacekeeping, the evolution of the use of force, and the institutional consequences of increasingly robust missions. Furthermore, the chapter addresses some of the enduring tensions and dilemmas at the heart of UN Peacekeeping. Section 3.1 lays the legal foundation of UN Peacekeeping by examining the UN Charter and the legal status of the core principles: host-state consent, impartiality, and the use of force. Section 3.2 explores how the adoption of robust mandates, particularly in MONUSCO, has transformed the practical and legal application of these principles—

²⁹ Christian Henderson, *The Use of Force and International Law, Second Edition*, Cambridge University Press, (2024), 221.

³⁰ Henderson, *supra* note 29, 226 Tsagourias, Nicholas, "Consent, Neutrality/Impartiality and the Use of Force in Peacekeeping: Their Constitutional Dimension.", *Journal of Conflict & Security Law*, vol. 11, no. 3 (2006), 466 (Available at <https://doi.org/10.1093/jcs/kr1016>).

³¹ Alex J. Bellamy and Charles T. Hunt, "Twenty-first Century UN peace operations: protection, force and the changing security environment.", *The Royal Institute of International Affairs*, vol. 91, no. 6 (2015), 1278-1282 (Available at <https://doi.org/10.1111/1468-2346.12456>) Mats Berdal, "What Are the Limits to the Use of Force in UN Peacekeeping?", in *United Nations Peace Operations in a Changing Global Order, 1st edition*, edited by Cedric de Coning and Majeta Peter, 113-132, Cham: Springer Nature, (2019), 115.

³² John Karlsrud, "The UN at War: Examining the Consequences of Peace-Enforcement Mandates for the UN Peacekeeping Operations in the CAR, the DRC and Mali.", *Third World Quarterly*, vol. 36, no. 1 (2015), 41-42 (Available at <https://doi.org/10.1080/01436597.2015.976016>) Peter, Mateja, "Between Doctrine and Practice: The UN Peacekeeping Dilemma.", *Global Governance*, vol. 21, no. 3 (2015), 352 (Available at <https://doi.org/10.1163/19426720-02103002>).

especially when Peacekeeping approaches the threshold of enforcement. Section 3.3 focuses on MINUSMA, highlighting the operational challenges that Peacekeeping missions face in unstable, terrorism-affected environments where regional coordination and intelligence sharing remain limited. Section 3.4 broadens the analysis by examining persistent institutional and structural shortcomings that have plagued Peacekeeping across various contexts, including mandate-capability gaps, political-operational disconnects, and bureaucratic rigidity.

3.1. The Legal Basics of Peacekeeping

The foundational legal basis for UN Peacekeeping lies, indirectly, in Article 1 of the UN Charter. This article outlines the purposes of the organization, including “to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace.”³³ Although Peacekeeping is not explicitly mentioned in the Charter, these broad purposes have been interpreted to encompass Peacekeeping operations as a means of advancing the Charter’s overarching goals, as articulated in Chapter 1.³⁴ This subchapter establishes the legal groundwork for understanding both the authority and limitations of UN Peacekeeping operations. It offers a necessary legal lens through which the effectiveness, legitimacy, and constraints of Peacekeeping—particularly in politically sensitive contexts such as Gaza—can be critically assessed.

³³ UN Charter, Art. 1.

³⁴ Henderson, *supra* note 29, 224

Tsagourias, *supra* note 30, 469.

3.1.1. Peacekeeping, The Security Council and The Use of Force

The SC's primary responsibility for maintaining international peace and security is outlined in Article 24 of the UN Charter, while Chapter VII details the SC's powers to respond to threats to the peace, breaches of the peace, and acts of aggression.³⁵ Despite the absence of an explicit reference to Peacekeeping in Chapter VII, its provisions have come to underpin most modern Peacekeeping mandates—particularly those involving robust authorizations for the use of force.³⁶ UN Peacekeeping has undergone a profound transformation in its legal and operational approach to the use of force, departing from the traditional principle of limited use. Early Peacekeeping operations strictly adhered to the principle of minimal force—namely, the right of individual peacekeepers to defend themselves from direct attack. However, by the 1970s, the concept of self-defense had expanded to include resistance against attempts to obstruct the implementation of a mission's mandate. A pivotal shift occurred following the 1994 genocide in Rwanda and the 1995 massacre in Srebrenica, which revealed the catastrophic consequences of passive Peacekeeping and inaction.³⁷ The Brahimi Report (2000) rejected the notion that peacekeepers could remain neutral in the face of mass atrocities, arguing instead that they must be authorized to use force “within their means” to prevent violence against civilians.³⁸ This marked the beginning of mainstream POC (protection of civilians) mandates, where the use of “all necessary means” to protect civilians was authorized under Chapter VII.³⁹

Another pivotal shift in the approach to the use of force in Peacekeeping came with MONUSCO's Force Intervention Brigade (FIB), which was mandated to “disarm and neutralize” named enemies of the state (see more in Section 3.2.1).⁴⁰ This mandate represents a transition from traditional Peacekeeping to peace enforcement in all but name. The SC effectively authorized UN forces to carry out offensive operations, thereby blurring the doctrinal boundaries that had previously distinguished Peacekeeping from enforcement.⁴¹ This marked the first instance in which a UN Peacekeeping operation was explicitly mandated to engage in offensive combat.⁴² The evolution of

³⁵ UN Charter, Art 41 & 42.

³⁶ Henderson, *supra* note 29, 224-226.

³⁷ Henderson, *supra* note 29, 246.

³⁸ UNGA, *Report of the Panel on United Nations Peace Operations*, UN General Assembly, (A/55/305– S/2000/809, 2000), x.

³⁹ Henderson, *supra* note 29, 247.

⁴⁰ UNSC, *Resolution 2098 (2013)*, UN Security Council, (S/RES/2098, 2013), Para. 12(b).

⁴¹ Karlsrud, *supra* note 32, 41-42.

⁴² Damian Lily, “The United Nations as a Party to Armed Conflict: *The Intervention Brigade of monusco in the Democratic Republic of Congo (drc)*.”, *Journal of International Peacekeeping*, Vol. 20, (2016), 314 (Available at <https://doi.org/10.1163/18754112-02003011>).

UN practice thus reveals a trend in which Peacekeeping increasingly overlaps with enforcement, with missions often authorized to use “all necessary means” to achieve their objectives.⁴³

3.1.2. Host State Consent in UN Peacekeeping

Host-state consent is what distinguishes Peacekeeping from enforcement operations under Chapter VII of the UN Charter and serves both a legal and normative function. Legally, it reflects respect for Article 2(7) of the Charter, safeguarding state sovereignty; normatively, it embodies a vision of political cooperation between the UN and the host state.⁴⁴ Despite its centrality, consent remains a conceptually and operationally complex issue. The UN’s Capstone Doctrine defines consent as the acceptance by the “main parties to the conflict” of a Peacekeeping operation mandated to support a political process.⁴⁵ However, in practice, the UN typically seeks the consent of the internationally recognized host state, which—in intra-state conflicts where legitimacy and authority are often fragmented—may involve disregarding other local or de facto actors.⁴⁶ This creates tension when the host state is either a party to the conflict or lacks effective control over its territory. Missions increasingly operate under conditions of ambiguous or shifting consent. Scholars Julie Gregory & Lisa Sharland emphasize that consent is not a fixed element but one that fluctuates over time due to political developments and changing national interests.⁴⁷

These dynamics are particularly relevant for any future mission in Gaza, where the issue of host-state consent is extraordinarily complex. Competing claims of authority by Israel, the Palestinian Authority, and de facto authorities in Gaza (i.e., Hamas) raise significant legal and political challenges (see more in Section 5.3.1). The UN’s default practice of privileging formal state consent risks excluding critical actors and undermining operational legitimacy. As one non-state actor representative cited in Gregory and Sharland’s research observed, “consent of all parties is a must for success in Peacekeeping, but it’s yet to be accepted by the UN in practice.”⁴⁸

⁴³ Henderson, *supra* note 29, 224-226

UNSC, *supra* note 40, Para. 12

UNSC, *Resolution*

2100 (2013), UN Security Council, (S/RES/2100, 2013), Para. 17

UNSC, *Resolution 2149 (2014)*, UN

Security Council, (S/RES/2149, 2014), Para. 29 UNSC, *Resolution 2155 (2014)*, UN Security Council, (S/RES/2155, 2014), Para. 4.

⁴⁴ Tsagourias, *supra* note 30, 469.

⁴⁵ United Nations, *United Nations Peacekeeping Operations: Principles and Guidelines*. Department of Peace Operations, United Nations, (2008), 31 (Available at https://peacekeeping.un.org/sites/default/files/capstone_eng_0.pdf).

⁴⁶ Julie Gregory & Lisa Sharland, “Host-Country Consent in UN Peacekeeping.”, *Stimson Center* (25 September 2023), 10-13 (Available at <https://www.stimson.org/2023/host-country-consent-in-un-peacekeeping/>).

⁴⁷ Gregory & Sharland, *supra* note 46, 13-15.

⁴⁸ Ibid.

3.2. Consequences of Robust Peace Enforcement

The rise of robust mandates in UN Peacekeeping has significantly altered the legal and political landscape in which peacekeepers operate. Designed to address the failures of the 1990s, these mandates authorize peacekeepers to use force not only in self-defense but also proactively to protect civilians and neutralize threats. While this development reflects a normative shift toward humanitarian protection, it has also introduced profound dilemmas concerning the impartiality of UN Peacekeeping operations—and, by extension, the legal status of peacekeepers in such missions. The operational environment of contemporary Peacekeeping has become far more complex, with peacekeepers now frequently deployed in contexts of active civil war rather than post-conflict stabilization.⁴⁹ This subchapter examines the legal and operational consequences that arise when UN Peacekeeping missions are tasked with enforcing peace, rather than merely monitoring or facilitating it. By tracing how peace enforcement challenges the foundational principle of impartiality—and thereby complicates the issue of host-state consent—the subchapter offers critical context for understanding the tensions inherent in missions like MINUSMA, UNIFIL, and potentially, Gaza.

3.2.1. MONUSCO's Force Intervention Brigade

The deployment of the Force Intervention Brigade (FIB) in the Democratic Republic of the Congo (DRC) in 2013 marked a pivotal moment in the evolution of UN Peacekeeping. Authorized under Security Council Resolution 2098, the FIB was the first UN force explicitly mandated to conduct “targeted offensive operations” to “neutralize and disarm” armed groups threatening state authority and civilian security in eastern DRC.⁵⁰ The FIB’s mandate reflected a deliberate shift toward peace enforcement. This shift was catalyzed by the emergence of the rebel group March 23 Movement (M23).⁵¹ In 2012, M23 launched a violent mutiny, seized territory in North Kivu, and ultimately captured the provincial capital, Goma—an event that exposed the severe weaknesses of the Congolese armed forces and seriously undermined MONUSCO’s credibility.⁵² In response, the FIB adopted a robust military stance, conducting joint operations with the Armed Forces of the Democratic Republic of the Congo (FARDC) against M23 and later other armed groups.⁵³ These campaigns involved

⁴⁹ Berdal, *supra* note 30, 115-117.

⁵⁰ UNSC, *supra* note 40, Para. 12(b)

Lily, *supra* note 42, 314.

⁵¹ Alan Doss, “United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).”, in *The Oxford Handbook of United Nations Peacekeeping Operations*, edited by Joachim A. Koops et. al, Online edn., Oxford Academic (2014) 806-807.

⁵² Doss, *supra* note 51, 806–808.

⁵³ *Ibid.*

helicopter gunships, heavy artillery, and advanced reconnaissance, representing a clear tactical shift from deterrence to direct action.⁵⁴

Robust mandates create strategic dilemmas. The assumption that military victories will naturally translate into political solutions has often proven misguided. The efforts of the FIB yielded short-term tactical success—M23 was defeated in late 2013, and MONUSCO reported a decline in large-scale militia operations in some areas.⁵⁵ However, the broader stabilization agenda faltered. The Congolese state lacked both the capacity and the political will to consolidate these gains, with FARDC committing abuses against civilians and reforms in the security sector stalling.⁵⁶ Despite its robust mandate and military advantage, the FIB's operations underscored the core dilemma facing UN Peacekeeping in complex conflict environments: without concurrent political reform and state legitimacy, military victories alone cannot deliver sustained peace.⁵⁷ In the absence of a coherent political strategy, robust Peacekeeping risks devolving into an exercise in “armed humanitarianism” rather than a meaningful step toward sustainable peace.⁵⁸ The legal ambiguity surrounding the use of force is further exacerbated when peacekeepers are drawn into asymmetric conflict scenarios. Robust enforcement mandates often require close cooperation between UN forces and host governments—some of which are weak, fragmented, or themselves implicated in human rights violations. In such environments, peacekeepers risk becoming partial actors, particularly when they are perceived as aligned with abusive or authoritarian regimes.⁵⁹ This alignment can undermine the UN's credibility and compromise the perceived impartiality of the mission.

3.2.2. When Impartiality is Lost

When a Peacekeeping mission's impartiality is called into question, the risk increases that UN forces will be perceived not as neutral arbiters, but as political or military actors aligned with one side of the conflict. If peacekeepers are seen to support host governments or to participate in counterinsurgency or counterterrorism activities, they risk becoming targets of asymmetric violence, losing local legitimacy, and undermining the broader credibility of the UN as an impartial international actor.

⁵⁴ Lily, *supra* note 42, 320 & 324-325.

⁵⁵ Doss, *supra* note 51, 815; Lily, *supra* note 42, 324-325.

⁵⁶ Bellamy & Hunt, *supra* note 30, 1284-1285; Doss, *supra* note 51, 812-813.

⁵⁷ Bellamy & Hunt, *supra* note 30, 1285.

⁵⁸ Bellamy & Hunt, *supra* note 30, 1284; Mats Berdal and David H Ucko, “The Use of Force in UN Peacekeeping Operations,” *The RUSI Journal*, vol. 160, no. 1 (2015), 10-11 (Available at <https://doi.org/10.1080/03071847.2015.1016718>).

⁵⁹ Berdal, *supra* note 30, 123-124.

Politically, the growing involvement of UN peace operations in supporting host-state security forces—often as part of their mandated responsibilities—has increasingly linked them to abusive actors, eroding local trust and compromising perceptions of impartiality.⁶⁰ Crucially, perceived bias undermines the willingness of both states and regional actors to cooperate with Peacekeeping missions. When UN missions become entangled in broader security architectures or support controversial national actors, host governments and neighboring states may withhold support, refuse intelligence sharing, or actively obstruct operations. This erodes the political space necessary for mission success and hampers the UN’s ability to respond effectively to evolving security threats.⁶¹ Moreover, the integration of Peacekeeping operations into counterterrorism frameworks further blurs the normative distinction between peace operations and enforcement missions. The SC’s evolving approach has increasingly prioritized stabilization over peacebuilding, and military logic over political strategy, thereby undermining the core principles of Peacekeeping.⁶²

3.2.2.1. Attacks on Peacekeepers

An increase in recorded attacks on UN peacekeepers underscores a serious consequence for Peacekeeping missions when their impartiality is questioned. Between October and December, UNIFIL recorded more than 30 security incidents in which its personnel and assets were targeted. UN peacekeepers were injured by suspected Hezbollah rocket fire and Israeli artillery strikes, and critical surveillance infrastructure—such as cameras and watchtowers—was destroyed by both parties.⁶³ According to UNIFIL spokesperson Andrea Tenenti, some of the attacks were clearly deliberate.⁶⁴ These are not isolated instances. According to UN data, over 330 UNIFIL peacekeepers have died since the mission’s establishment in 1978; just under 300 peacekeepers have died while serving in MONUSCO (since 2010); and more than 310 personnel were killed during MINUSMA’s deployment in Mali between 2013 and 2023—making these three missions the deadliest in

⁶⁰ Charles T. Hunt & Shannon Zimmerman, “Counter-Terrorism & Peace Operations: The Impacts of UN Security Council Approaches to Tackling Terror on the Pursuit of Peace.” *Securing The Future Initiative – Resolve Network* (2022) 5-6 (Available at https://www.researchgate.net/publication/362153697_Counter-Terrorism_Peace_Operations_The_Impacts_of_UN_Security_Council_Approaches_to_Tackling_Terror_on_the_Pursuit_of_Peace).

⁶¹ Sarah-Myriam Martin-Brûlé, “Competing for Trust: Challenges in United Nations Peacekeeping-Intelligence.”, *International Journal of Intelligence and CounterIntelligence*, vol. 34, no. 3 (2021), 507-508 (Available at <https://doi.org/10.1080/08850607.2020.1798153>).

⁶² Hunt & Zimmerman, *supra* note 60, 7-8.

⁶³ UN News, “Israeli forces fire on UN peacekeepers in Lebanon.”, *UN News*, 10 October 2024 (Available at <https://news.un.org/en/story/2024/10/1155551>)
Andrea Tenenti, “Press Conference: Peacekeeping mission in Lebanon.”, 30 October 2024 (Available at <https://media.un.org/avlibrary/en/asset/d329/d3296279>).

⁶⁴ Tenenti, *supra* note 63.

Peacekeeping history.⁶⁵ Impartiality is not a static or guaranteed condition, but a contested and often unattainable ideal in polarized conflict environments. As Scholar Maja Peter notes, when missions are mandated to support one party—typically the host state—or are staffed by actors with vested regional interests, even symbolic associations can undermine their perceived impartiality.⁶⁶

Another issue is that the legal status of peacekeepers as civilians under International Humanitarian Law (IHL) is conditional upon their non-participation in hostilities. According to Article 4(A) of the Third Geneva Convention, individuals who do not fall under the defined categories of combatants retain civilian status and must not be targeted.⁶⁷ UN peacekeepers, though often uniformed soldiers, are considered civilians under IHL. However, the protection this status affords is forfeited if peacekeepers are deemed to be taking a “direct part in hostilities,” as defined in Article 51(3) of Additional Protocol I. This provision suspends civilian protection “for such time” as they engage directly in acts of violence likely to adversely affect the military operations or capacity of a party to the conflict.⁶⁸ As scholar Damina Lily explains, the deployment of MONUSCO’s FIB, which was tasked with “neutralizing” specific armed groups, marked the first time the UN formally accepted that its peacekeepers could become parties to an armed conflict.⁶⁹ This shift exposes peacekeepers to lawful targeting under IHL and challenges the UN’s foundational claim to impartiality.⁷⁰ Ultimately, the rise in attacks on UN peacekeepers reflects the consequence of a deeper erosion in the legitimacy and perceived neutrality of the UN itself. Once impartiality is lost, peacekeepers are no longer just observers—they become targets.

⁶⁵ All relevant information can be found on the website of the United Nations Peacekeeping (Available at <https://peacekeeping.un.org/en/fatalities>).

⁶⁶ Peter, *supra* note 32, 359-360.

⁶⁷ "Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)." Switzerland, 12 August 1949 (75 *UNTS* 135), Art. 4(a).

⁶⁸ "Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)." Switzerland, 8 June 1977 (1125 *UNTS* 3) Art. 51(a).

⁶⁹ Lily, *supra* note 42, 313 & 325.

⁷⁰ Lily, *supra* note 42, 335.

3.3. Peacekeeping, Terrorism and Fragile Cooperation – Lessons Learned from MINUSMA

The UN established MINUSMA through SC Resolution 2100 in April 2013, in response to a crisis that exposed both Mali's internal fragility and broader instability across the Sahel. In 2012, Tuareg separatists and Islamist groups seized control of northern Mali, followed by a military coup that created a power vacuum quickly exploited by jihadist forces. Regional factors—such as the return of Tuareg fighters from Libya after the fall of Gaddafi—further amplified the crisis. France intervened militarily in January 2013, halting the jihadist advance but leaving the underlying conditions unstable, prompting the establishment of a UN Peacekeeping mission.⁷¹ MINUSMA was designed as a multidimensional mission, with a mandate to support political transition, stabilize population centers, protect civilians, and facilitate humanitarian aid.⁷² However, these objectives were pursued in the context of a deteriorating security situation, political uncertainty, and limited national ownership. Scholar John Karlsrud described MINUSMA as “a laboratory for UN Peacekeeping,” operating in a landscape shaped by terrorist threats, state fragility, and competing international counterterrorism agendas.⁷³ This subchapter uses MINUSMA as a case study to draw operational and legal insights relevant to future Peacekeeping efforts in politically fragmented and insecure environments, such as Gaza.

3.3.1. Peacekeeping and Counterterrorism: Conflicting Mandates

A core challenge for MINUSMA was the ambiguity of its role amid overlapping Peacekeeping and counterterrorism activities. Though established as a stabilization mission, MINUSMA was deployed into an ongoing conflict involving designated terrorist groups. It was authorized under Chapter VII of the UN Charter to use “all necessary means” to protect civilians and stabilize population centres, but it did not have a formal counterterrorism mandate.⁷⁴ However, it operated alongside the French-led Operation Barkhane and the G5 Sahel Joint Force, both of which pursued explicitly counterterrorist objectives. This proximity blurred the line between Peacekeeping and peace

⁷¹ Walter Lotze, “United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).”, in *The Oxford Handbook of United Nations Peacekeeping Operations*, edited by Joachim A. Koops et. al, Online edn., Oxford Academic (2014), 857-858 John Karlsrud, “Towards UN counter-terrorism operations?”, *Third World Quarterly*, vol. 38, no. 6, (2017), 1215-1217 (Available at <https://doi.org/10.1080/01436597.2016.1268907>).

⁷² UNSC, *supra* note 43, Para. 17. (Due to multiple sources in footnote 22 this source will from now on be referred to as *Resolution 2100 (2013)* only).

⁷³ Karlsrud, *supra* note 71, 1220.

⁷⁴ *Resolution 2100 (2013)*, *supra* note 43, Para. 17.

enforcement, reduced MINUSMA's perceived impartiality, and increased its exposure to attacks by terrorist groups.⁷⁵ These experiences offer critical warnings for Gaza. Depending on its mandate, a UN mission in Gaza could find itself operating within an unstable security environment dominated by Hamas forces. Engaging in—or even being perceived as engaging in—counterterrorism operations could severely compromise the mission's legitimacy, erode its role as an impartial mediator, and increase the risk of targeted attacks.⁷⁶ Without a carefully constrained mandate and a coherent political strategy, a Gaza mission may replicate the pitfalls experienced by MINUSMA.

3.3.2. Regional Cooperation and Intelligence Sharing: A Critical Deficiency

A defining weakness of MINUSMA was the lack of coordinated regional cooperation and the limitations of intelligence sharing. Despite the presence of regional frameworks like the Economic Community of West African States (ECOWAS) and the French G5 Sahel, the mission was not integrated into a comprehensive regional strategy.⁷⁷ MINUSMA's reliance on external military partners—initially France, and later within the broader context of shifting alliances—exposed the mission to the consequences of foreign policy changes and limited its operational autonomy. Following Mali's 2020 and 2021 coups, the host state's deteriorating relationship with Western actors, particularly France, further eroded support and disrupted information flows, complicating mission operations and contributing to the eventual withdrawal of consent for the mission.⁷⁸ In the context of Gaza, similar risks are present. The 2023 report from the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO) underscores persistent challenges related to transparency, coordination, and structured cooperation between Israeli and Palestinian authorities. The report highlights that limited technical engagement, the absence of mechanisms such as the Joint Economic Committee, and minimal cooperation on regulatory matters have obstructed even basic development efforts—revealing a broader pattern of institutional fragmentation and mistrust.⁷⁹

⁷⁵ John Karlsrud, "From Liberal Peacebuilding to Stabilization and Counterterrorism," *International Peacekeeping*, vol. 26, no. 1 (2019), 3-6 (Available at <https://doi.org/10.1080/13533312.2018.1502040>).

⁷⁶ Karlsrud, *supra* note 71, 1220-1221.

⁷⁷ Karlsrud, *supra* note 71, 1220-1225 International Peace Institute, Stimson Center, and Security Council Report. "Emerging Lessons from MINUSMA's Experience in Mali," International Peace Institute (31 July 2024), 4-6 (Available at <https://www.ipinst.org/2024/07/emerging-lessons-from-minusmas-experience-in-mali>).

⁷⁸ UNSC, *Internal review of the United Nations Multidimensional Integrated Stabilization Mission in Mali*, UN Security Council (S/2023/36), Para. 9-11 & 33-36.

⁷⁹ UNSCO, *Report to the Ad Hoc Liaison Committee, 3 May 2023*, Office of the United Nations Special Coordinator for the Middle East Peace Process (2023), 17-19 (Available at https://unsco.unmissions.org/sites/default/files/unsco_ahlc_report_-_may_2023.pdf).

MINUSMA's experience illustrates how weak interorganizational trust and the absence of standardized information-sharing mechanisms led to stove-piping and unhealthy competition between its units. This disrupted the intelligence-sharing process, generated information overload, and deprived mission leadership of coherent situational awareness—ultimately undermining the mission's ability to anticipate threats and support strategic decision-making.⁸⁰ Where formal structures lacked coherence or trust, personnel increasingly relied on informal networks—an approach that, while sometimes more effective, compromised transparency, accountability, and institutional coherence.⁸¹ This reliance also contributed to perceptions of unequal access and favoritism, further eroding both interpersonal and interorganizational trust. The broader result was a loss of credibility in the mission's intelligence apparatus, which not only diminished the confidence of contributing states but also increased the vulnerability of peacekeepers in the field.⁸² A Gaza mission, if designed without learning from MINUSMA's experience, may risk similar intelligence asymmetries and trust deficits—particularly in a region where operational credibility and political impartiality are already under strain.

3.3.3. Peacekeeping in Unstable Environments: Limitations and Dilemmas

From 2016 onward, Mali's central and northern regions experienced rising intercommunal violence, jihadist expansion, and the proliferation of armed groups. MINUSMA's ability to fulfill its mandate was repeatedly undermined by the absence of a functioning state and growing opposition from the government.⁸³ Compounding these difficulties were human rights violations committed by Malian security forces, often in coordination with foreign actors. MINUSMA's mandate to report on human rights violations placed it in direct conflict with the host government.⁸⁴ This illustrates the broader dilemma of operating in an unstable state with limited consent. A Gaza mission would face comparable—if not greater—levels of instability. The UNSCO report highlights a deep fiscal crisis, fragmented governance, and deteriorating humanitarian conditions in Gaza, further exacerbated by the collapse of donor support.⁸⁵ There is no centralized or universally recognized governing authority, and any UN mission deployed under the current “governance” arrangement would need to navigate between Hamas, the Palestinian Authority, and Israel—each holding distinct expectations, objectives, and red lines. The MINUSMA case demonstrates that Peacekeeping in such a fragmented

⁸⁰ Martin-Brûlé, *supra* note 61, 503-504.

⁸¹ Martin-Brûlé, *supra* note 61, 503 & 516-517.

⁸² *Ibid.*

⁸³ UNSC, *supra* note 78, Para. 4, 6, 17 & 34.

⁸⁴ UNSC, *supra* note 78, Para. 21 & 28.

⁸⁵ UNSCO, *supra* note 79, 7-9.

environment, without an accompanying political resolution, risks becoming either irrelevant or counterproductive.

In June 2023, the SC adopted Resolution 2690, mandating MINUSMA's withdrawal.⁸⁶ While the mission facilitated limited political dialogue, supported humanitarian logistics, and contributed to some local stabilization efforts, it failed to address the broader security collapse or to restore state legitimacy. The vacuum left by MINUSMA's departure is now being filled by less accountable actors, including private security companies and irregular armed forces.⁸⁷ MINUSMA's experience offers cautionary insights for deliberations on a potential Peacekeeping mission in Gaza, highlighting that without strong regional coordination and meaningful host-state cooperation, peace operations risk becoming militarized, politicized, and ultimately ineffective.

⁸⁶ UNSC, *Resolution 2690 (2023)*, UN Security Council, (S/RES/2690, 2023).

⁸⁷ UNSC, *supra* note 78, Para. 11.

3.4. Everlasting Issues of Peacekeeping

Despite considerable evolution in doctrine, mandate, and scope since the first operations in 1948, many of the fundamental problems plaguing UN Peacekeeping missions have persisted. This subchapter examines the persistent structural and institutional issues that continue to undermine the effectiveness of UN Peacekeeping. Drawing on the findings of four major Peacekeeping reviews—the Brahimi Report (2000), the High-Level Independent Panel on Peace Operations (HIPPO) Report (2015), an independent study commissioned by the United Nations Department of Peace Operations (UNDPO) titled *The Future of Peacekeeping, New Models, and Related Capabilities* (2024), and the *Pact for the Future* (2024)⁸⁸—it identifies and analyzes three systemic challenges: the chronic gap between Peacekeeping mandates and mission capabilities; the disconnection between political strategy and operational practice; and the institutional constraints rooted in UN bureaucracy and doctrine. While these challenges are distinguished here for structural clarity, they are in practice deeply interconnected and mutually reinforcing. The identification of these systemic flaws also serves a forward-looking function. By addressing the issues that repeatedly limit mission success, this subchapter provides a foundation for evaluating how future Peacekeeping missions might be more effectively designed and highlights the types of reforms essential for credible future deployment, particularly in complex environments like Gaza (see more in Section 5.1).

3.4.1. Gap Between Mandates and Capabilities

A strikingly persistent issue is the gap between what Peacekeeping missions are asked to do and what they are equipped to achieve. The Brahimi Report, written in response to the failures in Rwanda and Srebrenica, criticized the practice of issuing complex mandates without providing the necessary resources or political backing.⁸⁹ The HIPPO Report, published 15 years later, observed that the problem had worsened. Peacekeepers were increasingly being deployed into violent and complex environments and expected to carry out multifaceted tasks without adequate support. “There is a clear sense of a widening gap between what is being asked of UN peace operations today and what they

⁸⁸ While the *Pact for the Future* does not focus exclusively on peacekeeping, it explicitly recognizes the importance of predictable, adequate, and sustained financing for peace operations. As part of a broader call for international reform, it is considered the most wide-ranging international agreement in many years and is a commitment to strengthening multilateral responses to conflict and sustaining global peace and security. General Assembly, “United Nations Adopts Ground-Breaking Pact for the Future to Transform Global Governance.”, UN doc. GA/12641, 2 October 2024 (Available at <https://press.un.org/en/2024/ga12641.doc.htm>).

⁸⁹ UNGA, *supra* note 38, iii & 11.

are able to deliver,” the report stated.⁹⁰ The 2024 UNDPO study reaffirms that Peacekeeping missions continue to face a substantial “capability-expectations gap,” limiting their effectiveness and credibility in the field.⁹¹

An underlying cause of this persistent shortfall is chronic underfunding. The HIPPO Report highlights the severe budgetary constraints that consistently affect both UN and regional operations, with missions in Africa exemplifying how the lack of sustained, predictable, and flexible funding mechanisms undermines the sustainability and effectiveness of peace operations.⁹² The *Pact for the Future* further reinforces the recognition of underfunding as a critical obstacle to the effectiveness of multilateral action.⁹³ The 2024 UNDPO study confirms that Peacekeeping continues to suffer from declining contributions and recurrent budget cuts.⁹⁴ The recurring nature of these financial critiques signals a structural reluctance among Member States to align ambitious mandates with the necessary political and financial investment. Additionally, recent scholarship underscores how the asymmetrical and regionalized nature of modern conflicts has further complicated efforts to close capability gaps. Scholars Peter Albrecht and Corine van van Emmerik argue that peacekeepers are increasingly expected to operate in highly militarized environments against asymmetric threats, without the necessary technological and logistical support—highlighting the urgent need for mission-specific capability assessments and advanced training. Moreover, they stress that the capability–expectations gap is exacerbated by systemic underinvestment in the technological infrastructure of troop-contributing countries, including critical tools such as drones and surveillance systems, leading to significant operational deficiencies on the ground.⁹⁵

⁹⁰ UNGA. *Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people*, UN General Assembly, (A/70/95–S/2015/446, 2015), 9 & 41.

⁹¹ El-Ghassim Wane, Professor Paul D. Williams & Professor Ai Kihara-Hunt. “The Future of Peacekeeping, New Models, and Related Capabilities.” *Independent Study commissioned by the United Nations Department of Peace Operations* (October 2024), 10 (Available at https://peacekeeping.un.org/sites/default/files/future_of_peacekeeping_report_rev30jan_1.pdf).

⁹² UNGA, *supra* note 90, 79.

⁹³ UN, *Pact for the Future, Global Digital Compact and Declaration on Future Generations*, United Nations, 2024 (A/RES/79/1, 2024), 5.

⁹⁴ Wane, Williams & Kihara-Hunt, *supra* note 91, 10-11.

⁹⁵ Peter Albrecht & Corine van Emmerik, “8 old and new challenges for UN peacekeeping: Denmark on the UN Security Council, 2025-2026.”, *Danish Institute for International Studies* (10 January 2025), 3 (Available at <https://www.diiis.dk/en/research/8-old-and-new-challenges-un-peacekeeping>).

3.4.2. Disconnection Between Political Strategy and Operational Realities

The Brahimi Report explicitly warned against deploying peacekeepers into environments where there is no genuine peace to keep, noting that “there are many tasks which United Nations Peacekeeping forces should not be asked to undertake and many places they should not go.”⁹⁶ This concern was deepened in the HIPPO Report, which made the “primacy of politics” its central principle. “Lasting peace is achieved through political solutions,” it argued, “not through military and technical engagements alone.”⁹⁷ Despite these warnings, missions have routinely been deployed into contexts where political settlements are either absent or deteriorating. In Mali, MINUSMA was left to manage collapsing state structures and an ongoing conflict without credible or consistent diplomatic strategies to support its presence.⁹⁸ Tactical success in the field cannot substitute for coherent political engagement; without it, Peacekeeping missions risk devolving into “armed humanitarianism,” where the use of force replaces diplomacy rather than reinforcing it.⁹⁹ The assumption that military victories will naturally give rise to political solutions has repeatedly proven misguided. For example, the tactical defeat of M23 in 2013 did not result in meaningful stabilization in eastern Congo, which remains plagued by dozens of armed groups.¹⁰⁰

The *Pact for the Future* seeks to address these challenges by emphasizing the need for peace operations to be grounded in nationally owned and politically supported strategies. It underscores the importance of greater integration between peacebuilding, development, and diplomacy to sustain peace efforts.¹⁰¹ In this way, the reports highlight that deploying Peacekeeping missions in the absence of coherent political frameworks risks severely limiting their long-term impact.

Scholars Sandra Poni Tombe, Mark Berlin & Timothy D. Sisk argue that the growing fragmentation of civil wars and the decline of peacemaking norms—such as negotiated settlements—undermine the ability to craft effective mandates. They emphasize that the shift from post-Cold War multilateralism to today’s fractured geopolitical landscape has weakened the UN’s capacity to support peace operations with robust political foundations. As conflicts become more localized and complex, the UN’s existing peacemaking tools—particularly its mediation mechanisms—have become

⁹⁶ UNGA, *supra* note 37, viii.

⁹⁷ UNGA, *supra* note 90, 26.

⁹⁸ Bellamy & Hunt, *supra* note 30, 1277-351.

⁹⁹ Berdal & Ucko, *supra* note 58, 10-11.

¹⁰⁰ Berdal & Ucko, *supra* note 58, 10-11

¹⁰¹ UN, *supra* note 93, 28-29.

Karlsrud, *supra* note 32, 41-42

Peter, *supra* note 32,

Bellamy & Hunt, *supra* note 30, 1284.

increasingly inadequate.¹⁰² Albrecht and van Emmerik further caution that Peacekeeping missions suffer from persistent overstandardization, whereby generic template approaches are applied across highly diverse contexts, undermining the need for flexible and politically responsive strategies.¹⁰³

3.4.3. Structural and Institutional Constraints

Finally, a recurring issue lies in the institutional structure of the UN itself. The Brahimi Report outlined major limitations in staffing, planning, and command systems, highlighting a shortage of qualified personnel and the urgent need for professionalization. It emphasized the importance of faster deployment mechanisms, calling for improvements in logistics and the establishment of a dedicated reserve fund.¹⁰⁴ The HIPPO Report revisited these concerns with renewed urgency, criticizing the rigidity of UN human resources policies and the lack of flexibility in operational planning.¹⁰⁵ The 2024 UNDPO study identifies several structural issues—including cumbersome decision-making processes at headquarters, inflexible planning cycles, and persistent operational caveats placed on troops by contributing countries—that collectively erode mission effectiveness. These bureaucratic and political constraints delay deployment, hinder rapid adaptation to evolving conditions, and obscure clear lines of accountability. Furthermore, the lack of coordination across UN departments and inadequate integration with political, humanitarian, and development actors continues to fragment mission mandates.¹⁰⁶

Scholars Mats Berdal and David Ucko have argued that the UN system was never designed to manage high-intensity, rapidly evolving conflicts. The reliance on voluntary troop contributions, fragmented command structures, and political divisions within the SC all limit the organization's capacity for decisive action.¹⁰⁷ While the *Pact for the Future* calls for stronger alignment between international actors and the needs of conflict-affected Member States, its language largely reiterates earlier commitments without offering concrete solutions to the persistent shortfalls

¹⁰² Sandra Poni Tombe, Mark Berlin & Timothy D. Sisk, "Peacemaking in Crisis: Amid More Wars, Fewer Peace Agreements.", *United States Institute of Peace* (1 January 2025) 5-8 & 22 (Available at <https://www.jstor.org/stable/resrep67818>).

¹⁰³ Corine van Emmerik & Peter Albrecht, "The contending futures of UN peacekeeping." *Danish Institute for International Studies* (19 March 2025), 10-11 (Available at <https://www.diis.dk/en/research/the-many-contending-futures-of-un-peacekeeping>).

¹⁰⁴ UNGA, *supra* note 37, 24-25 & 27.

¹⁰⁵ UNGA, *supra* note 90, 58 & 95-96.

¹⁰⁶ Wane, Williams & Kihara-Hunt, *supra* note 91, 10-11.

¹⁰⁷ Berdal & Ucko, *supra* note 58, 8 & 11 Berdal, *supra* note 31, 119-120.

in financing and coordination that continue to undermine national prevention and peacebuilding efforts.¹⁰⁸

¹⁰⁸ UN, *supra* note 93, 14.

3.5. Preliminary Findings from Chapter 3

The research conducted in this chapter has aimed to answer the following research question: *How have evolving conflict dynamics reshaped the legal and operational meaning of core Peacekeeping principles, such as consent, impartiality, and the use of force?* It appears that the core principles of UN Peacekeeping—consent, impartiality, and limited use of force—have not disappeared, but their legal and operational meaning has been fundamentally reshaped by the realities of contemporary conflict. Consent is no longer a clear legal threshold but a fragmented and fluctuating condition, particularly in conflicts involving non-state actors and weak or divided governments. Impartiality has become increasingly difficult to uphold in highly asymmetric or politicized contexts. Perceptions of bias—especially when peacekeepers support host-state forces or operate alongside counterterrorism actors—expose missions to attacks and local resistance, weakening their credibility and effectiveness. Similarly, the principle of limited use of force has evolved beyond self-defense to encompass robust, and at times offensive, mandates under Chapter VII—blurring the line between Peacekeeping and enforcement.

These shifts are not merely doctrinal—they help explain the persistence of Peacekeeping’s “everlasting” issues. The gap between ambitious mandates and limited capabilities is exacerbated when missions are tasked with enforcing peace in environments where consent is fragile or contested. The disconnection between political strategy and operational reality becomes more pronounced when impartiality is compromised and political will is absent. Institutional rigidity proves even more difficult to reform when missions are required to straddle both Peacekeeping and enforcement without a coherent legal identity. This chapter concludes that evolving conflict dynamics have transformed the Peacekeeping trinity from foundational principles into deeply contested and increasingly unstable tools. Unless their meaning is redefined in line with contemporary political and operational realities, Peacekeeping risks remaining structurally overburdened, legally incoherent, and strategically adrift.

4. Peacekeeping Between Compliance and Self-Defense – Lessons Learned From UNIFIL

The authority of the SC to maintain international peace and security rests on its ability to issue binding resolutions under Chapter VII of the UN Charter. Article 25 obliges all Member States to “accept and carry out” such decisions, yet this authority is increasingly challenged when these obligations come into conflict with state claims to self-defense under Article 51.¹⁰⁹ Peacekeeping missions—often tasked with implementing or monitoring ceasefire arrangements codified in SC resolutions—must operate in legal environments shaped by conflicting interpretations of international law. These tensions become especially pronounced when key actors repeatedly violate resolutions or reinterpret their obligations. As states invoke anticipatory or ongoing self-defense, or condition their compliance on reciprocal performance, they undermine not only the operational effectiveness of Peacekeeping missions but also the normative foundation of Peacekeeping itself—ultimately weakening the legal architecture of collective security.¹¹⁰

This chapter addresses the following sub-question: *What do Resolution 1701 and UNIFIL say about the duty to comply with Security Council resolutions and the right to self-defense, and to what extent does this ambiguity affect the ability of UN Peacekeeping missions to serve as a measure to maintain international peace and security?* UNIFIL serves as a particularly relevant case study for assessing the legal and operational viability of UN Peacekeeping in Gaza. It operates in the same region, involves comparable actors, and is mandated to implement a Security Council resolution—Resolution 1701—establishing a ceasefire.

Section 4.1 introduces UNIFIL and outlines the core elements of Resolution 1701, highlighting its intended objectives and the operational challenges encountered in its implementation. Section 4.2 examines the binding nature of SC resolutions under international law and explores how prior breaches affect the legal obligations of states, using the Iraq War revival doctrine as a doctrinal comparator. Section 4.3 turns to Israel’s ground offensive in October 2024 in southern Lebanon, interrogating how claims of self-defense interact with pre-existing resolution-based obligations. This section addresses legal debates surrounding preemptive force, necessity, proportionality, and the enduring ambiguity of Article 51’s “until clause.” Finally, Section 4.4 synthesizes these insights to evaluate how legal ambiguity—particularly the unresolved tension between compliance with SC resolutions and the invocation of self-defense—undermines the effectiveness of Peacekeeping in

¹⁰⁹ Henderson, *supra* note 29, 176-178.

¹¹⁰ *Ibid.*

highly politicized environments such as southern Lebanon and, by extension, Gaza. Together, these sections illustrate how legal uncertainty and selective compliance erode both the authority of the SC and the practical utility of Peacekeeping missions.

4.1. UNIFIL and UN Security Council Resolution 1701: Mandate, Challenges, and Realities

Adopted in August 2006, following Hezbollah's cross-border attack and the subsequent Israeli military response, Resolution 1701 sought to establish a permanent ceasefire by ordering the mutual withdrawal of both Hezbollah and Israeli forces from southern Lebanon and assigning exclusive operational control in the area to the Lebanese Armed Forces (LAF) and UNIFIL.¹¹¹ This subchapter introduces the legal and operational framework of UNIFIL through the lens of SC Resolution 1701. It traces how the mission's original objectives have been repeatedly challenged. UNIFIL's experience underscores that legal mandates can be undermined not only by the absence of enforcement mechanisms, but also by competing claims of self-defense and the failure of key actors to comply with resolution terms in good faith. The subchapter thereby sets the stage for a broader legal inquiry into the tensions between Article 25 (compliance with SC decisions) and Article 51 (self-defense) of the UN Charter, using UNIFIL as a cautionary precedent for evaluating the viability of Peacekeeping missions in similarly politicized and fragmented environments, such as Gaza.

4.1.1. The Legal Framework of UNIFIL

UNIFIL was established in 1978, amid escalating violence along the Israel–Lebanon border exacerbated by the displacement of Palestinian armed factions and Lebanon's descent into civil war. Following an operation in which a Palestinian commando attacked Israel, resulting in 38 civilian deaths, Israel launched Operation Litani in southern Lebanon.¹¹² In response, the Lebanese government appealed to the UN, prompting the SC to adopt Resolutions 425 and 426 on 19 March 1978. These resolutions established UNIFIL with an initial mandate to oversee the Israeli withdrawal, restore international peace and security, and assist the Lebanese government in re-establishing its authority in the south.¹¹³ The mandate was significantly broadened in 2006 through Resolution 1701 after the second Lebanon War. The mission was tasked with monitoring the cessation of hostilities, supporting the deployment of the LAF throughout southern Lebanon, and facilitating the Israeli withdrawal behind the Blue Line—the UN-demarcated boundary between Israel and Lebanon.¹¹⁴

¹¹¹ UNSC, *Resolution 1701 (2006)*, *Supra* note 22, Para. 1-2 (Due to multiple sources in footnote 22 this source will from now on be referred to as *Resolution 1701 (2006)* only).

¹¹² Robert U. Nagel, Kate Fin & Julia Maenza. "United Nations Interim Force in Lebanon (UNIFIL): Case Study." *Georgetown Institute for Women, Peace and Security* (May 2021), 1 (Available at <https://giwps.georgetown.edu/wp-content/uploads/2021/05/UNIFIL-Case-Study.pdf>).

¹¹³ UNSC, *Resolution 425 (1978)*, UN Security Council, (S/RES/425, 1978), Para. 3
Resolution 426 (1978), UN Security Council, (S/RES/426, 1978).

UNSC, *Resolution*

¹¹⁴ *Resolution 1701 (2006)*, *supra* note 22, Para. 11.

Additionally, UNIFIL coordinates closely with both Lebanese and Israeli authorities to implement its mission effectively and to assist in establishing a demilitarized zone between the Blue Line and the Litani River, where only LAF and UNIFIL personnel are permitted.¹¹⁵ UNIFIL is authorized to take all necessary measures to prevent hostile activities within its area of deployment, protect UN personnel and humanitarian workers, and assist in the POC. At the request of the Lebanese government, UNIFIL also helps secure Lebanon's borders to prevent the illicit flow of arms and military equipment.¹¹⁶ These mandates were most recently reaffirmed and extended through Resolution 2749 (2024), which prolongs UNIFIL's mission until August 2025 and emphasizes the urgency of de-escalation amid ongoing cross-border violence.¹¹⁷ A SC report from January 2025 reaffirmed the critical importance of UNIFIL's presence in maintaining regional stability, while a March 2025 report revealed growing concern within the UN Secretariat regarding the sustainability of UNIFIL's activities amidst heightened tensions and continued armament by non-state actors.¹¹⁸

4.1.2. Hezbollah's Continued Armament

The persistent military buildup of Hezbollah stands as a major obstacle to the full implementation of Resolution 1701. The resolution calls for the disarmament of armed groups in southern Lebanon.¹¹⁹ Yet, Hezbollah's arsenal has not only remained intact but has significantly expanded since 2006, reportedly including upwards of 150,000 rockets, with an increasing proportion comprising precision-guided munitions.¹²⁰ Iranian support has been pivotal in this regard, with Tehran providing both weapons and training to Hezbollah.¹²¹ This ongoing armament directly undermines the Lebanese state's sovereignty and defies the resolution's objective of demilitarization between the Litani River and the Blue Line. Hezbollah's continued military presence in this area is in violation of Resolution 1701 and contributes to an increasingly volatile security environment.¹²² The LAF remain reluctant

¹¹⁵ *Resolution 1701 (2006)*, *supra* note 22, Para. 8.

¹¹⁶ *Resolution 1701 (2006)*, *supra* note 22, Para. 14.

¹¹⁷ UNSC, *Resolution 2749 (2024)*, UN Security Council, (S/RES/2749, 2024), 2.

¹¹⁸ "What's in Blue: Briefing on the UN Interim Force in Lebanon (UNIFIL) and the UN Disengagement Observer Force (UNDOF).", 17 January 2025 (Available at <https://www.securitycouncilreport.org/whatsinblue/2025/01/briefing-on-the-un-interim-force-in-lebanon-unifil-and-the-un-disengagement-observer-force-undof.php>)

"What's in Blue: Lebanon: Consultations on Resolution 1701.", 14 March 2025 (Available at <https://www.securitycouncilreport.org/whatsinblue/2025/03/lebanon-consultations-on-resolution-1701.php>)

¹¹⁹ *Resolution 1701 (2006)*, *supra* note 22, Para. 8.

¹²⁰ Michelle Nichols, "At UN, Israel accuses Hezbollah of trying to rebuild with Iran's help.", *Reuters*, 13 January 2025 (Available at <https://www.reuters.com/world/middle-east/un-israel-accuses-hezbollah-trying-rebuild-with-irans-help-2025-01-13/>).

¹²¹ *Ibid.*

¹²² David Schenker & Assaf Orion. "How to Avoid Another Lost Year for UNIFIL." *The Washington*

to confront Hezbollah directly, while UNIFIL lacks the authority to forcibly disarm and remove the group¹²³, relegating its role to monitoring and reporting violations.¹²⁴

On October 8, 2023, Hezbollah entered the conflict between Israel and Hamas by launching rockets and mortar shells at Israeli military positions in the contested Shebaa Farms area, prompting immediate Israeli retaliatory strikes in southern Lebanon.¹²⁵ While Hezbollah portrayed its intervention as an act of solidarity with the Palestinians, its actions were carefully calibrated to avoid triggering a broader war, reflecting the group's strategic caution and domestic constraints.¹²⁶ In the ensuing months, the conflict along the Israel–Lebanon border was marked by sustained but limited exchanges, including Israeli airstrikes on Hezbollah infrastructure and Hezbollah's use of drones and precision-guided munitions. However, both sides deliberately avoided crossing key thresholds, thereby preserving space for de-escalation. In early 2024, a ceasefire agreement was brokered, securing a mutual halt to cross-border strikes.¹²⁷ Although not formalized through a new UN Security Council resolution, the agreement reaffirmed key provisions of Resolution 1701. Its terms included a mutual cessation of hostilities, the deployment of additional LAF troops to southern Lebanon, restrictions on Hezbollah's military activity south of the Litani River, and the establishment of a U.S.–French–UNIFIL monitoring mechanism to oversee compliance.¹²⁸ The ceasefire was explicitly temporary, initially scheduled for 60 days and subsequently extended until mid-February 2025.¹²⁹ Following the expiration of the ceasefire, sporadic border incidents resumed, though both sides have thus far avoided a return to full-scale conflict. The Security Council's March 2025 report emphasized that unauthorized armed groups continue to operate south of the Litani River in violation

Institute, 21 June 2022 (Available at <https://www.washingtoninstitute.org/policy-analysis/how-avoid-another-lost-year-unifil>).

¹²³ According to paragraph 11(e) of Resolution 1701, UNIFIL is only mandated to assist LAF in removing Hezbollah from southern Lebanon, not to do it themselves.

¹²⁴ Ray Murphy, "Peacekeeping in Lebanon and Civilian Protection.", *Journal of Conflict and Security Law*, vol. 17, no. 3 (2012), 391 & 401-402 (Available at <https://doi.org/10.1093/jcsl/krs011>)

Nagel, Fin & Maenza, *supra* note 112, 4 & 7.

¹²⁵ Reuters, "Israel, Hezbollah exchange artillery, rocket fire.", *Reuters*, 8 October 2023 (Available at <https://www.reuters.com/world/middle-east/israel-strikes-lebanon-after-hezbollah-hits-shebaa-farms-2023-10-08/>).

¹²⁶ Seth G. Jones, et. al., "The Coming Conflict with Hezbollah." *Center for Strategic & International Studies*, 21 March 2024 (Available at <https://www.csis.org/analysis/coming-conflict-hezbollah>).

¹²⁷ Daoud, David, "Weakened by Israel, Hezbollah turns to spin games to hold support.", *Atlantic council*, 15 April 2025 (Available at <https://www.atlanticcouncil.org/blogs/menasource/weakened-by-israel-hezbollah-turns-to-spin-games-to-hold-support/>).

¹²⁸ TOI Staff, "Full text: The Israel-Hezbollah ceasefire deal.", *Times of Israel*, 27 November 2024 (Available at <https://www.timesofisrael.com/full-text-the-israel-hezbollah-ceasefire-deal/>).

¹²⁹ "What's in Blue: Lebanon", *supra* note 118.

of Resolution 1701.¹³⁰ It also reported limited UNIFIL access to areas suspected of hosting Hezbollah weapon stockpiles, further underscoring the operational restrictions the mission continues to face.¹³¹

4.1.3. Israeli Arial Operations

Israel's persistent violations of Lebanese airspace constitute a second major obstacle to the full implementation of Resolution 1701. The resolution explicitly calls for respect for the Blue Line and the territorial integrity of Lebanon.¹³² However, even prior to the October 8 escalation, Israeli air incursions had become a near-daily occurrence. These overflights—often involving surveillance drones and, at times, manned aircraft—extended well beyond southern Lebanon, reaching into the Bekaa Valley and the airspace above Beirut. Israel has consistently justified these actions as necessary for monitoring Hezbollah's activities, particularly the alleged transfer and storage of advanced weaponry. Nevertheless, such operations represent a clear violation of Lebanese sovereignty and have continued despite the temporary ceasefire.¹³³

Following Hezbollah's entry into the conflict on 8 October 2023, Israel launched extensive retaliatory airstrikes across southern Lebanon.¹³⁴ In the months that followed, Israel maintained an aggressive deterrence posture, conducting precision strikes in response to ongoing Hezbollah rocket attacks.¹³⁵ In October 2024, these operations escalated with the launch of a limited ground incursion into southern Lebanon, aimed at degrading Hezbollah's cross-border capabilities (see further in Section 4.3.). UNIFIL's January 2025 briefing reported a marked increase in Israeli overflights, drone incursions, and artillery fire across the Blue Line since October 2024. These activities have deepened Lebanese grievances and have been invoked by Hezbollah to justify its continued military preparedness.¹³⁶ The Secretary-General's March 2025 report documented 19 Israeli airstrikes since the cessation of hostilities began on 27 November 2024 and noted that the ongoing presence of IDF north of the Blue Line constitutes a violation of Lebanese sovereignty.¹³⁷

¹³⁰ "What's in Blue: Lebanon", *supra* note 118.

¹³¹ *Ibid.*

¹³² *Resolution 1701 (2006)*, *supra* note 22, Para. 4 & 8.

¹³³ Murphy, *supra* note 124, 391 Nicholas Blanford, "A ceasefire happened in Lebanon, but Israel seems to have missed the memo.", *Atlantic council*, 5 December 2024 (Available at <https://www.atlanticcouncil.org/blogs/menasource/israel-lebanon-fragile-ceasefire/>)

¹³⁴ Reuters, *supra* note 125.

¹³⁵ Jones, et. al., *supra* note 125.

¹³⁶ "What's in Blue: Briefing on UNIFIL", *supra* note 118.

¹³⁷ "What's in Blue: Lebanon", *supra* note 118.

4.1.4. UNIFIL's Operational and Political Constraints

UNIFIL's mandate under Resolution 1701 provides only a limited scope for offensive operations. The mission is authorized to "take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council, and to protect UN personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, ..., to protect civilians under imminent threat of physical violence."¹³⁸ Although this mandate appears robust on paper, its implementation is hindered by weak state authority in southern Lebanon and a lack of local support. The mission regularly faces operational challenges, including restricted freedom of movement and a reliance on coordination with Hezbollah, which maintains significant de facto control in areas where the Lebanese state is effectively absent.¹³⁹ UNIFIL's operational capacity is further constrained by its dependence on cooperation with the Lebanese authorities, who themselves are entangled in complex political relationships with Hezbollah. The LAF, though formally a partner in the mission's mandate, lack both the capacity and the political autonomy necessary to confront Hezbollah's activities in the region.¹⁴⁰ These limitations have prompted criticism that UNIFIL risks becoming a largely symbolic presence, rather than an effective enforcer of Resolution 1701. The 2025 Security Council briefings emphasized that UNIFIL's freedom of movement remains significantly restricted in certain areas, often due to threats, interference, or obstruction by local non-state actors, thereby limiting the mission's ability to effectively monitor and verify violations.¹⁴¹

¹³⁸ *Resolution 1701 (2006)*, *supra* note 22, Para. 12.

¹³⁹ Nagel, Fin & Maenza, *supra* note 112, 4, 7.

¹⁴⁰ Murphy, *supra* note 124, 391 & 401-402.

¹⁴¹ "What's in Blue: Briefing on UNIFIL", *supra* note 118.

4.2. The Binding Nature of SC Resolutions and the Impact of Prior Breaches

This subchapter examines the legal authority of Security Council resolutions, with particular emphasis on the implications of compliance, breach, and enforcement. It begins by clarifying the binding nature of such resolutions under international law. The analysis then draws on principles of treaty interpretation to explore how states occasionally invoke analogies from treaty law—such as the concept of material breach—to justify non-compliance with Security Council mandates. Finally, the Iraq War and the revival doctrine associated with Resolution 1441 will serve as a comparative case study, enabling an assessment of how alleged breaches were invoked to justify unilateral action. This comparative analysis provides a necessary legal framework for evaluating whether violations of Resolution 1701—by either Hezbollah or Israel—can legitimately alter the legal obligations of other actors under the United Nations Charter. By investigating whether prior breaches affect the binding nature of Security Council resolutions, the subchapter lays the foundation for assessing the legality of Israel’s 2024 ground offensive in southern Lebanon. It also illustrates how unresolved legal questions regarding breach and enforcement continue to undermine the effectiveness of Peacekeeping missions such as UNIFIL.

4.2.1. Legal Foundation: Binding Resolutions under the UN Charter

The binding authority of Security Council resolutions is rooted in Article 25 of the UN Charter, which obliges all UN member states to “accept and carry out the decisions of the Security Council in accordance with the present Charter.”¹⁴² As the only UN organ vested with the power to adopt legally binding decisions of general applicability, the Security Council occupies a unique position within the international legal system. While the language of Article 25 does not, in itself, distinguish between resolutions adopted under Chapter VI and Chapter VII, it is commonly assumed that only resolutions adopted under Chapter VII—relating to the Council’s enforcement powers—are automatically binding. The authority of the Council, and the obligations of member states, ultimately derive not from consent to each individual resolution, but from their original consent to the Charter’s structure and enforcement regime.¹⁴³ Notably, the Security Council was not envisioned as a judicial body responsible for enforcing international law in a strict legal sense, but rather as a political organ entrusted with the maintenance of international peace and security. The purpose of enforcement

¹⁴² UN Charter, Art. 25.

¹⁴³ Henderson, *supra* note 29, 139-140.

action under the Charter, therefore, is not necessarily to uphold legal norms, but to restore or preserve peace.¹⁴⁴

4.2.2. The Vienna Convention's Interpretive Relevance in Charter-Based Obligations

The binding nature of Security Council resolutions stands in contrast to typical treaty relations, which are generally based on mutual performance between parties. Bilateral or multilateral treaties often include mechanisms for suspension or termination in the event of a breach—an idea codified in Article 60 of the VCLT, which permits suspension in response to a material breach.¹⁴⁵ However, this framework does not extend to Security Council resolutions. The VCLT, by its own terms, applies only to treaties.¹⁴⁶ Article 2(1)(a) of the VCLT defines a treaty as a written agreement between states governed by international law, thereby limiting the Convention's scope.¹⁴⁷ SC resolutions, by contrast, are not the result of inter-state consent but constitute unilateral institutional acts of an international organization, exercising binding authority over member states pursuant to the UN Charter. While Article 60 of the VCLT provides procedural and substantive safeguards for suspending or terminating treaty obligations due to material breach, these safeguards were never intended to apply to the binding institutional decisions adopted by the Security Council.

Still, the VCLT remains somewhat relevant when evaluating legal arguments—especially when a state seeks to justify non-compliance by pointing to another state's prior breach. States may contend that their obligations under a resolution no longer apply due to the other party's failure to comply. The doctrine of material breach in treaty law was developed to allow states to suspend obligations in serious cases of non-compliance.¹⁴⁸ The VCLT thus provides a comparative framework for assessing whether a state's invocation of another actor's breach aligns with broader principles of international law, even though it does not legally govern SC resolutions.¹⁴⁹ However, this relevance should not be mistaken for direct legal applicability. SC resolutions remain binding in nature, and states cannot unilaterally alter their Charter-based obligations based on perceived violations by others. The VCLT may offer a normative lens through which to evaluate the coherence

¹⁴⁴ Henderson, *supra* note 29, 139-140.

¹⁴⁵ VCLT, *supra* note 18, Art. 60.

¹⁴⁶ VCLT, *supra* note 18, Art. 1.

¹⁴⁷ VCLT, *supra* note 18, Art. 2(1)(a).

¹⁴⁸ Frederic L. Kirgis, "Some Lingering Questions about Article 60 of the Vienna Convention on the Law of Treaties," *Cornell International Law Journal*, vol. 22, no. 3, Article 14 (1989), 554, 567 & 569 (Available at <https://scholarship.law.cornell.edu/cilj/vol22/iss3/14>).

¹⁴⁹ *Ibid.*

and good faith of a state's legal claims, but it does not provide a legal foundation for withdrawing from SC obligations.

4.2.3. The Iraq Case: Material Breach and the Revival Dispute

The debate over material breach and the revival of SC mandates in the Iraq case begins with Iraq's invasion of Kuwait on 2 August 1990. In immediate response, the SC adopted Resolution 660 (1990), condemning the invasion and demanding Iraq's unconditional withdrawal.¹⁵⁰ When Iraq failed to comply, the SC escalated its response with Resolution 678 (1990), which authorized those member states cooperating with the government of Kuwait to use "all necessary means" to implement Resolution 660 and to restore international peace and security.¹⁵¹ This resolution provided the legal basis for the U.S.-led coalition to launch Operation Desert Storm in January 1991, resulting in the expulsion of Iraqi forces from Kuwait.¹⁵² With active hostilities concluding by late February, the SC adopted Resolution 687 (1991), which declared a formal ceasefire and made it conditional upon Iraq's acceptance of a comprehensive disarmament regime. The resolution further required Iraq to dismantle all weapons of mass destruction and long-range missile programs and established UN mechanisms to verify compliance.¹⁵³

Over the next decade, Iraq was repeatedly accused of obstructing these mechanisms and failing to comply with its disarmament obligations, leading to the adoption of Resolution 1441 (2002). This resolution declared Iraq to be "in material breach" of its obligations under Resolution 687.¹⁵⁴ The United States and the United Kingdom argued that such a breach revived the earlier use-of-force authorization under Resolution 678—a claim that became central to the legal justification for the 2003 invasion of Iraq. This line of argumentation draws on established principles of treaty law, as discussed in section 4.2.2: a material breach by one party entitles other parties—particularly those specially affected—to suspend their reciprocal obligations. Within this framework, Resolution 1441's language, although not explicitly authorizing the use of force, was interpreted as confirming Iraq's non-compliance and thereby serving as a legal trigger to reactivate the prior authorization contained in Resolution 678.¹⁵⁵

¹⁵⁰ UNSC, *Resolution 660 (1990)*, UN Security Council (S/RES/660, 1990), Para. 1, 2.

¹⁵¹ UNSC, *Resolution 678 (1990)*, UN Security Council (S/RES/678, 1990), Para. 2.

¹⁵² John Yoo, "International Law and the War in Iraq," *The American Journal of International Law*, vol. 97, no. 3 (2003), 564 (Available at <https://doi.org/10.2307/3109841>).

¹⁵³ UNSC, *Resolution 687 (1991)*, UN Security Council (S/RES/687, 1991), Para. 1 & 7-13.

¹⁵⁴ UNSC, *Resolution 1441 (2002)*, UN Security Council, (S/RES/1441, 2002), Para. 1.

¹⁵⁵ Yoo, *supra* note 152, 568.

However, this interpretation faced significant opposition. Both Resolution 687 and Resolution 1441 included provisions that reaffirmed the SC's authority to determine compliance and to decide upon any further measures deemed necessary. In Resolution 687, the SC explicitly stated that it would remain "seized of the matter" and would take any "further steps" necessary to secure compliance.¹⁵⁶ Resolution 1441, while declaring Iraq to be "in material breach" of its disarmament obligations, offered a "final opportunity" to comply, outlined a process for monitoring and reporting Iraqi compliance, and stipulated that the SC would reconvene to consider the situation.¹⁵⁷ According to the Russian Foreign Ministry, this clause is central: it reserved for the SC—not individual states—the exclusive authority to assess compliance and to determine whether enforcement measures, including the use of force, were warranted. Russia contended that the right to determine Iraq's non-compliance, and correspondingly the right to authorize the use of force, remained solely with the SC.¹⁵⁸ Another argument advanced by Russia held that SC resolutions adopted under Chapter VII cannot be analogized to treaties. Ceasefire terms imposed through SC resolutions are enforceable only by the SC unless explicit authorization is granted to Member States to act independently.¹⁵⁹ In the Russian Federation's view, Resolution 687 had reinstated the SC's exclusive competence to evaluate Iraq's compliance and to impose any enforcement measures. Resolution 1441, rather than delegating such authority to individual states, reinforced this by establishing a procedural mechanism of inspections, reporting, and SC deliberation.¹⁶⁰

Finally, the operative paragraphs of Resolution 1441 do not reference Resolution 678; it is mentioned only in the preamble—a key textual detail that weakens the revival argument. The claim that Resolution 1441 revived the use-of-force authorization found limited support. Some SC members—including France, China, and Russia—explicitly rejected any interpretation suggesting that it permitted automatic or unilateral enforcement. In a joint statement following the adoption of Resolution 1441, these states emphasized that "there is no 'automaticity' in the use of force" and that any such decision must be made by the SC.¹⁶¹ Scholar Dominic Goldrick observes that, while the

¹⁵⁶ UNSC, *supra* note 153, Para. 34.

¹⁵⁷ UNSC, *supra* note 154, Para. 1, 2, 11 & 14.

¹⁵⁸ The Legal Department of the Ministry of Foreign Affairs of the Russian Federation, "Legal Assessment of the Use of Force against Iraq," published by *The International and Comparative Law Quarterly*, vol. 52, no. 4, (2003), 1060 (Available at <https://www.jstor.org/stable/3663387>).

¹⁵⁹ Frederic L. Kirgis, "The Legal Background on the Use of Force to Induce Iraq to Comply with Security Council Resolutions," *American Society of International Law*, vol. 2, no. 1 (1997), (Available at <https://www.asil.org/insights/volume/2/issue/1/legal-background-use-force-induce-iraq-comply-security-council-resolutions>).

¹⁶⁰ The Legal Department of the Ministry of Foreign Affairs of the Russian Federation, *supra* note 158, 1060-1061.

¹⁶¹ The Legal Department of the Ministry of Foreign Affairs of the Russian Federation, *Supra* note 158, 1062.

term “material breach” has roots in treaty law, it cannot be mechanically applied to SC resolutions. Rather, it must be interpreted contextually: Resolution 1441 established a compliance mechanism, and any determinations of non-compliance were to be addressed through the established process of inspection, reporting, and SC deliberation—not used as a pretext for unilateral military action.¹⁶² Moreover, the interpretation advanced by U.S. officials faced both domestic and international criticism, not only for perceived legal overreach but also for setting a destabilizing precedent. The attempt to revive a decade-old mandate as an affront to multilateralism and a threat to the legal integrity of the UN system.¹⁶³

¹⁶² McGoldrick, Dominic, “International Law and the Iraq War 2003.”, in *From '9-11' to the 'Iraq War 2003': International Law in an Age of Complexity*, edited by Claus Dieter Ehlermann, and Mel Marquis, 47-86, Bloomsbury Publishing Plc, ProQuest Ebook Central (2004), 63-64.

¹⁶³ McGoldrick, *supra* note 162, 85-86.

4.3. Compliance vs. Self-Defense: UNIFIL and Israel

On 1 October 2024, Israel launched a ground offensive in southern Lebanon, seemingly in violation of its obligations under Resolution 1701. On the evening of the operation, IDF spokesperson Rear Admiral Daniel Hagari issued a press statement justifying the IDF's actions on Lebanese territory on three grounds. The first was a claim of self-defense in response to attacks launched by Hezbollah since 8 October 2023. The second was a justification based on preemptive self-defense, citing an anticipated large-scale military operation by Hezbollah known as "Conquer the Galilee." The third justification asserted that Hezbollah was in breach of Resolution 1701, and that both UNIFIL and the LAF had failed to enforce its provisions.¹⁶⁴ This final line of argument closely resembles the material breach rationale advanced by the United States in the context of the Iraq War.

This section addresses a central tension within the legal framework underpinning UN Peacekeeping: the relationship between a state's obligation to comply with binding SC resolutions and its inherent right to self-defense under Article 51 of the UN Charter. Building on the preceding analysis of Resolution 1701 and UNIFIL's operational limitations, this section examines Israel's October 2024 ground offensive in southern Lebanon as a case study to explore whether—and to what extent—a state may lawfully invoke self-defense when SC measures have proven ineffective. By analyzing competing interpretations of the legality of self-defense against non-state actors, the doctrine of preemptive self-defense, and the principles of necessity and proportionality—as well as the interpretation of the "until clause" in Article 51—this section highlights a persistent legal ambiguity at the core of contemporary UN Peacekeeping: the tension between compliance with international obligations and the right to self-defense.

4.3.1. Self-Defense Against Non-State Actors

The evolution of international conflicts, particularly in the post-9/11 era, has placed the threat posed by non-state actors at the center of legal debates concerning the lawful exercise of a state's right to self-defense. Following the September 11 attacks, the SC adopted Resolutions 1368 and 1373, which ostensibly recognized the right of self-defense in response to attacks by non-state actors.¹⁶⁵ These

¹⁶⁴ Daniel Hagari, "Press Briefing by IDF Spokesperson RAdm. Daniel Hagari-October 1 (18:50 PM), 2024.", 1 October 2024 (Available at <https://www.idf.il/en/mini-sites/israel-at-war/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/october-24-press-briefings/press-briefing-by-idf-spokesperson-radm-daniel-hagari-october-1-1850-pm-2024/>).

¹⁶⁵ UNSC, *Resolution 1368 (2001)*, UN Security Council, (S/RES/1368, 2001) UNSC, *Resolution 1373 (2001)*, UN Security Council, (S/RES/1373, 2001).

resolutions are considered pivotal, as they framed the terrorist attacks as constituting an “armed attack” within the meaning of Article 51. However, this interpretation is not without controversy. Some scholars argue that Article 51 should be construed narrowly, limiting the right of self-defense to inter-state attacks. This view draws support from the context of Article 2(4), which prohibits the use of force against the territorial integrity or political independence of any state. According to this perspective, authorizing the use of force against non-state actors operating within another state's territory risks undermining core principles of sovereignty and non-intervention.¹⁶⁶ Despite these concerns, a significant counterargument lies in the nature of contemporary conflicts, in which non-state actors frequently operate from within states that are either unwilling or unable to prevent their territory from being used as a base for hostile activities. In such situations, a rigid adherence to a state-centric reading of Article 51 may leave the victim state in an untenable position, unable to defend itself effectively.¹⁶⁷

4.3.2. Pre-Emptive Self-Defense

The scholarly debate on preemptive or anticipatory self-defense is primarily divided into two main camps. One side adheres to a “textualist” or “restrictionist” interpretation of Article 51 of the UN Charter, emphasizing its language—“if an armed attack occurs”—as indicating that only actualized attacks may trigger the right to self-defense. This reading suggests that anticipatory or preemptive use of force is not lawful under international law.¹⁶⁸ The opposing position, often referred to as the “expansionist” or “inherent right” view, is grounded in the notion that the right to self-defense predates the Charter and was recognized under customary international law.¹⁶⁹ Proponents of this view interpret Article 51’s reference to the “inherent right” of self-defense as preserving this pre-existing customary right, rather than limiting it to instances of completed attacks.¹⁷⁰ Expansionists

¹⁶⁶ Kimberly N. Trapp, “Back to Basics: Necessity, Proportionality, and the Right of Self-Defence against Non-State Terrorist Actors.”, *The International and Comparative Law Quarterly*, vol. 56, no. 1 (2007), 145-146 (Available at <https://doi.org/10.1093/iclq/lei153>)

Dire Tladi, “The Nonconsenting Innocent State: The Problem with Bethlehem’s Principle 12.”, *American Journal of International Law*, vol. 107, no. 3 (2013), 573-574 (Available at <https://doi.org/10.5305/amerjintelaw.107.3.0570>).

¹⁶⁷ Daniel Bethlehem, “Self-Defense Against an Imminent or Actual Armed Attack By Nonstate Actors.”, *American Journal of International Law*, vol. 106, no. 4 (2012), 776 (Available at <https://doi.org/10.5305/amerjintelaw.106.4.0769>)

Trapp, *supra* note 166, 147

Henderson, *supra* note 29, 414-415.

¹⁶⁸ Bethlehem, *supra* note 167, 771

Henderson, *supra* note 29, 361-362.

Zaid Ali Elgawari,

“Preemptive Self-Defense in Public International Law: An Analysis Through the Lens of International Court of Justice Jurisprudence.”, *Access to justice in Eastern Europe*, vol. 8, no. 1 (2025), 11 (Available at <https://doi.org/10.33327/AJEE-18-8.1-a000106>).

¹⁶⁹ Henderson, *supra* note 29, 361-362.

¹⁷⁰ Bethlehem, *supra* note 167, 771

Henderson, *supra* note 29, 361-362.

argue that requiring a state to absorb the first blow imposes unreasonable risks, particularly in light of modern, fast-moving threats.¹⁷¹ On this basis, anticipatory self-defense is considered lawful when an attack is deemed imminent.

The concept of imminence is therefore central to determining the lawfulness of anticipatory self-defense. However, there is no authoritative definition of imminence in the context of an armed attack. Interpretations range from a narrow understanding—“about to happen”—to broader readings that encompass threats whose timing or location remains uncertain. Critics argue that this vagueness undermines the concept’s legal utility, while others maintain that such indeterminacy reflects the complex and evolving nature of contemporary threats.¹⁷² The tension between strict temporal imminence and practical operational necessity has led to the development of the concept of “contextual imminence.” This approach seeks to assess imminence through a constellation of contextual factors, including the gravity of the threat, the capabilities and intent of the attacker, the pattern of prior attacks, and the availability of alternative means to avert the threat.¹⁷³

Applying the principle of textuality and natural meaning from treaty interpretation, the restrictionist view appears to have the stronger footing, as the phrase “if an armed attack occurs” plainly presupposes a completed or ongoing attack. However, under the principle of effectiveness, treaties should not be interpreted in a manner that renders key provisions inoperative or devoid of practical effect. If a strictly temporal reading of Article 51 were to prevent states from responding to irreversible or near-certain threats, it could arguably undermine the Charter’s overarching purpose of maintaining international peace and security.

4.3.3. Proportionality and Necessity

The principles of necessity and proportionality, although distinct, are deeply intertwined, and proportionality cannot be meaningfully assessed without first establishing military necessity. The most conventional interpretation of necessity holds that force should be employed only when all peaceful alternatives for responding to an armed attack have been exhausted, proven ineffective, or are unavailable.¹⁷⁴ Hezbollah’s attack was ongoing, with reports suggesting the possibility of an even larger offensive. This occurred despite the presence of a UN Peacekeeping force and the LAF, both

¹⁷¹ Bethlehem, *supra* note 167, 772.

¹⁷² Bethlehem, *supra* note 167, 771-772

¹⁷³ Bethlehem, *supra* note 167, 771-772

¹⁷⁴ Henderson, *supra* note 29, 299

Henderson, *supra* note 29, 381-382.

Henderson, *supra* note 29, 384-388.

Elgawari, *supra* note 168, 16

Charles Kels, “The

Problem of Proportionality: A Response to Adil Haque.”, *Just Security*, 14 november, 2023 (Available at <https://www.justsecurity.org/90071/the-problem-of-proportionality-a-response-to-adil-haque/>).

mandated by the SC to prevent armed activity by non-state actors near the Israeli-Lebanese border. Hamas officials publicly stated their full cooperation with Hezbollah, and Hezbollah launched its military offensive just one day after Hamas' attack on Israel, explicitly in solidarity with the Palestinians. Given Hamas' declared objective of destroying Israel, it is arguably reasonable to infer that Hezbollah may share comparable aims.¹⁷⁵ Taken together, these factors strengthen the case for viewing Israel's armed response as necessary. As Scholar Kimberly N. Trapp argues, "when a host State is unable to prevent its territory from being used as a base of terrorist operations, the victim State is left with little choice."¹⁷⁶

Proportionality refers to the amount or nature of force used to achieve the military objective of a self-defense action once necessity has been established. This concept is intended to constrain the scale and effects of actions undertaken in the name of self-defense.¹⁷⁷ There are several approaches to assessing proportionality in self-defense operations. One such method is the means-end approach. Under this approach, an act of self-defense is considered proportionate if it employs no more force than is necessary to achieve its military objective—namely, to halt or repel an ongoing attack, or to prevent an imminent one.¹⁷⁸ In this context, Israel's military campaign—including sustained air and artillery strikes, targeted assassinations of Hezbollah commanders, and a series of limited ground incursions into southern Lebanon in October and November 2024—was framed as necessary to degrade Hezbollah's launch capabilities, disrupt its command-and-control infrastructure, and restore deterrence along the northern border.¹⁷⁹ From this perspective, the escalation to broader ground operations in October 2024 is presented as a means proportionate to the military objectives pursued: namely, dismantling Hezbollah's operational capacity near the border and deterring further attacks.

The second approach is the tit-for-tat model, under which the amount or nature of force used in a self-defense action must not exceed the amount or nature of the force used in the attack

¹⁷⁵Reuters, *supra* note 125. Jamie Dettmer, "Hamas says it's closely coordinating war's next moves with Hezbollah in Lebanon.", *Politico*, 18 October 2023 (Available at <https://www.politico.eu/article/hamas-say-closely-coordinate-war-next-move-hezbollah-lebanon/>)
Pacchiani, Gianluca & Michael Bachner, "Hamas official says group aims to repeat Oct. 7 onslaught many times to destroy Israel.", *The Times of Israel*, 1 November 2024 (Available at <https://www.timesofisrael.com/hamas-official-says-group-aims-to-repeat-oct-7-onslaught-many-times-to-destroy-israel/>).

¹⁷⁶ Trapp, *supra* note 166, 147.

¹⁷⁷ Henderson, *supra* note 29, 316.

¹⁷⁸ Henderson, *supra* note 29, 319. David Kretzmer, "The Inherent Right to Self- Defence and Proportionality in Jus Ad Bellum.", *Oxford University Press on behalf of EJIL Ltd.*, vol. 24, no. 1 (2013), 239 (Available at <https://doi.org/10.1093/ejil/chs087>).

¹⁷⁹ Carter, Brian, "Israel's Victory in Lebanon.", *Institute for the Study of War*, 2 December 2024 (Available at <https://www.understandingwar.org/backgrounder/israels-victory-lebanon>).

against which the state is defending itself.¹⁸⁰ Hezbollah’s cross-border attacks since October 2023—while frequent and escalating—have primarily consisted of rocket and drone strikes targeting military outposts and civilian infrastructure in northern Israel. In response, Israel has conducted extensive and sustained military operations in southern Lebanon, including the use of precision airstrikes, heavy artillery, and targeted ground incursions.¹⁸¹ When assessed strictly against the scale and character of Hezbollah’s attacks, Israel’s response may be viewed as exceeding the proportionality threshold established under the tit-for-tat model. Under this standard, a ground invasion—regardless of its tactical objectives—may not be considered proportionate to a campaign of aerial bombardment and rocket fire, unless the force employed is tightly constrained to mirror the nature and intensity of the original threat.

4.3.4. The Role of the “Until Clause” in the Compliance–Self-Defense Dilemma

Article 25 of the UN Charter obliges member states to “accept and carry out the decisions of the Security Council,” while Article 51 affirms the “inherent right of individual or collective self-defense if an armed attack occurs.” When states invoke self-defense in ways that appear to contravene SC resolutions, these two provisions come into tension, producing unresolved legal ambiguity. The 2024 Israeli ground offensive into southern Lebanon—justified as an act of self-defense despite the operational constraints of Resolution 1701—illustrates this fundamental legal friction. The central question is whether a state’s right to self-defense may persist, or even take precedence, when SC measures prove ineffective or unenforceable.

At the heart of this dilemma lies the final clause of Article 51, which affirms that the right to self-defense exists “until the Security Council has taken measures necessary to maintain international peace and security.” This “until clause” has generated substantial debate over whether SC action, by its mere occurrence, extinguishes the right to self-defense, or whether that right remains valid until such measures are demonstrably effective. A strict position holds that Article 51 preserves the right to self-defense only temporarily, and that it expires once the SC intervenes—regardless of the nature or success of that intervention. On this view, once the SC is seized of the matter and adopts any measures, the right of individual or collective self-defense ceases. This interpretation frames any unilateral use of force as unlawful once the SC initiates a response under Chapter VII. It emphasizes that, according to Article 39 of the UN Charter, member states have agreed that it is the SC’s exclusive

¹⁸⁰ Henderson, *supra* note 29, 317-318

Kels, *supra* note 174.

¹⁸¹ Carter, *supra* note 179.

responsibility to determine what measures shall be taken to restore international peace and security.¹⁸² A more moderate position maintains that the SC may override self-defense claims only through clearly expressed intent and affirmative decisions. While this view accepts that SC action can curtail the right to self-defense, it insists that such a limitation must be explicit and unambiguous. Ultimately, it concedes that the right may be overridden even where SC measures are limited or non-coercive, provided the SC asserts its responsibility to act.¹⁸³

In contrast, other positions reject the notion that SC involvement alone extinguishes a state's right to self-defense. Denying this right—particularly when SC action is blocked, delayed, or ineffective—risks weakening the deterrent function of self-defense and may inadvertently encourage further aggression by other states.¹⁸⁴ Scholar Malvina Halberstam endorses this latter interpretation. She argues that the language and legislative history of Article 51 were intended to preserve, not limit, the right to self-defense. The phrase “until the Security Council has taken measures necessary” must be interpreted as referring to effective measures—those that actually succeed in maintaining or restoring international peace and security. This interpretation is further reinforced by the Charter’s drafting history, which indicates that states intended to retain their right to self-defense until the SC had successfully carried out its peace and security mandate.¹⁸⁵

This interpretive divergence reveals a broader institutional tension. If Article 25 is interpreted to override Article 51 under all circumstances—even in the face of SC in-efficiencies—the Charter risks denying states a core sovereign right. Conversely, if Article 51 is construed too broadly, states may invoke it to circumvent collective decision-making, thereby undermining the authority of the SC. The formulation in Article 51 that “nothing in the Charter shall impair” the right of self-defense must be understood as including Article 25 within its scope. Accordingly, where SC measures are ineffective or have been breached by another party, a state's right to respond under Article 51 may not be entirely extinguished. Until this ambiguity is resolved, states will continue to exploit interpretive grey zones, and the collective security system will remain susceptible to fragmentation and unilateralism. In sum, the unresolved relationship between Articles 25 and 51—

¹⁸² Malvina Halberstam, “The Right to Self-Defense Once the Security Council Takes Action.”, *Michigan Journal of International Law*, vol. 17, no. 2 (1996), 231-234 (Available at <https://repository.law.umich.edu/mjil/vol17/iss2/2>).

¹⁸³ Halberstam, *supra* note 182, 232-233.

¹⁸⁴ Halberstam, *supra* note 182, 234-235.

¹⁸⁵ Halberstam, *supra* note 182, 248.

and, in particular, the meaning of the “until clause”—constitutes a fundamental fault line in the Charter’s legal framework.

4.4. Comparative Assessment: UNIFIL, Israel's 2024 Operations and The Iraq Case

Israel's claim that the failure of the LAF and UNIFIL to enforce Resolution 1701 justified its military operation in southern Lebanon draws a partial analogy to the material breach argument advanced by the US during the 2003 Iraq War. However, the legal framework and factual circumstances surrounding the two cases differ significantly.

First, the Iraq case concerned a classic state-to-state conflict in which a SC resolution—Resolution 687—imposed disarmament obligations directly on Iraq, a UN member state. The U.S. position, controversial though it was, argued that Iraq's material breach of those obligations revived the earlier use-of-force authorization granted under Resolution 678. In contrast, Resolution 1701 does not include any prior or accompanying authorization of force. More importantly, it imposes obligations not on Hezbollah, but on state and institutional actors—namely, the Lebanese state and UNIFIL. This distinction is crucial. Under international law, SC resolutions cannot impose binding obligations on non-state actors; therefore, Israel cannot legally assert that Hezbollah was in material breach of Resolution 1701. Accordingly, Israel's justification relies more heavily on the argument that the failure of the LAF and UNIFIL to enforce the resolution—particularly its disarmament provisions—effectively rendered the ceasefire framework null, thereby releasing Israel from its own obligations under 1701. On this view, Israel's operation did not constitute a violation of the ceasefire but rather a lawful response to its collapse, indirectly triggered by the inaction or incapacity of the responsible actors. However, this argument does not fully align with the rationale presented by Rear Admiral Daniel Hagari, who stated that “the State of Israel has the right and the obligation to do what 1701 failed to do.”¹⁸⁶ Furthermore, even if one were to accept that Resolution 1701 was no longer operational, this would not imply that Israel was legally free to use force without constraint. Resolution 1701 remains a SC decision adopted under Chapter VII of the Charter, and as such, it can only be modified or suspended by the SC itself. The analogy to the Iraq material breach argument is therefore limited on two key counts: first, because Resolution 1701 contains no enforcement mechanism comparable to the revival clause claimed in the Iraq case; and second, because Israel's use of force was not directed at a state in breach of obligations, but at a non-state actor that was never legally bound by them. The implication is that even if Resolution 1701's practical effect had been eroded, this would not automatically release Israel from its Article 2(4) obligation to respect the sovereignty and territorial integrity of Lebanon.

¹⁸⁶ Hagari, *supra* note 164.

It is at this point that the argument shifts from one of material breach to one of lawful self-defense. Israel's remaining justifications for its actions—namely, self-defense against an ongoing armed attack by Hezbollah and pre-emptive self-defense against an anticipated large-scale assault—must be assessed on their own merits. As analyzed in Sections 4.3.1.1 through 4.3.1.3, these claims are legally more coherent. While the military action was carried out in the context of a deteriorated or breached ceasefire, it is arguably better justified under the legal framework of self-defense than under the doctrine of material breach. In particular, the necessity and proportionality tests—as applied to the facts at hand—lend support to Israel's contention that the use of force was aimed at repelling an ongoing or imminent armed threat.

Still, this legal rationale does not eliminate the broader normative concern. If states are permitted to invoke failed implementation by third parties—such as Peacekeeping forces or weak host governments—as justification for unilateral action, the authority of the SC and the stability of resolution-based ceasefires are fundamentally undermined. Moreover, combining multiple legal justifications—such as material breach arguments with self-defense claims—blurs doctrinal boundaries, potentially lowering the threshold for future unilateral uses of force on contested legal grounds. While Israel's argument concerning the failure to implement Resolution 1701 echoes certain aspects of the Iraq revival doctrine, it does not meet the same legal threshold. The stronger legal claim lies in the invocation of Article 51, particularly when interpreted through the lens of the “until clause.” Nevertheless, the deeper legal dilemma remains unresolved: when SC measures are ineffective or contested, and Peacekeeping missions falter, do states possess a lawful right to act outside the SC framework? The answer remains uncertain. What is clear, however, is that this ambiguity significantly complicates the legal environment in which Peacekeeping missions like UNIFIL operate and poses serious risks to the collective security system in which Peacekeeping serves as a central tool.

4.4. Preliminary Findings from Chapter 4

This chapter set out to explore the question: *What do Resolution 1701 and UNIFIL reveal about the duty to comply with Security Council resolutions and the right to self-defense, and to what extent does this ambiguity affect the ability of UN Peacekeeping missions to serve as a mechanism for maintaining international peace and security?* The analysis of legal frameworks, political dynamics, and operational realities reveals that the authority of SC resolutions is vulnerable to erosion when states invoke self-defense on contested legal grounds, and when a mission lacks the legal or political infrastructure necessary to enforce its mandate.

Two central findings emerge. First, Israel's justification for its 2024 invasion of southern Lebanon based on Article 51 self-defense—particularly in light of Hezbollah's violations—mirrors the legal tension seen in the Iraq War revival doctrine. While Israel argues that violations by Hezbollah and the failures of Lebanon and UNIFIL to uphold Resolution 1701 sustain its right to act unilaterally, this rationale challenges one of the core premises of the UN Charter: that decisions regarding enforcement measures to maintain international peace and security lie with the SC, not with individual states. The tension between compliance (Article 25) and self-defense (Article 51) remains unresolved. This analysis has demonstrated that legal ambiguity surrounding these provisions significantly undermines a Peacekeeping mission's capacity to function as a stabilizing force. Second, UNIFIL's structural constraints—limited enforcement capacity, host-state dependence, and contested impartiality—render it unable to prevent escalation or ensure compliance. Despite its mandate to “take all necessary action,” the mission has been systematically obstructed by Hezbollah's local dominance and the LAF's political entanglements. UNIFIL's inability to respond effectively to clear violations, coupled with the SC's failure to adapt the mandate or provide meaningful support, illustrates a broader crisis in Peacekeeping: the growing disconnect between legal authority and operational reality. This has far-reaching implications for any future Peacekeeping deployment in similarly fragmented or politically constrained environments.

5. Mission Impossible? Consent, Mandate, and Reform in the Gaza Context

UN Peacekeeping stands at a crossroads. As the global conflict landscape becomes increasingly fragmented, urbanized, and asymmetric, the operational and political foundations of Peacekeeping are under growing strain. At the 2025 UN Peacekeeping Ministerial in Berlin, Secretary-General António Guterres warned that “we are now facing the highest number of conflicts since the foundation of the United Nations” and emphasized the urgent need to make Peacekeeping fit for the future if it is to remain effective.¹⁸⁷ Nowhere is this urgency more apparent than in the Middle East. In Gaza, the humanitarian, political, and institutional collapse constitutes not only a local crisis but a regional flashpoint with global implications. As the Secretary-General stated in his address to the General Assembly on 30 January 2025, “the level of suffering and destruction witnessed in Gaza is unbearable and unprecedented,” with development setbacks estimated at 69 years.¹⁸⁸ Gaza encapsulates both the limitations of current Peacekeeping models and the urgent need for structural reform.

This chapter addresses the third and final sub-question of the thesis: *What would be the main conceptual challenges to a UN Peacekeeping mission in Gaza, and could a reimagined Peacekeeping model provide a more feasible and effective approach?* Building on the legal and operational lessons drawn from past missions—particularly UNIFIL and MINUSMA—this chapter looks forward to assessing whether the existing Peacekeeping framework, or alternative models, are capable of supporting a ceasefire in Gaza. The chapter begins in Section 5.1 by outlining three suggested shifts in UN Peacekeeping practice: the move toward context-specific operations, the expansion of regional and hybrid models, and the growing emphasis on integration with political and preventive strategies. Section 5.2 investigates whether the Middle East presents particular structural and political challenges to Peacekeeping, focusing on the region’s limited Peacekeeping record, Israel’s fraught relationship with the UN, and the lessons of UNIFIL’s experience as both a precedent and a cautionary case. Section 5.3 turns its focus to Gaza, analyzing the legal and political obstacles to securing host state consent, the implications of different mandate options, and emerging proposals for mission design. Taken together, these sections assess both the limitations and potential of deploying a Peacekeeping operation in Gaza.

¹⁸⁷ António Guterres, “UN Secretary-General - Remarks to the Ministerial Meeting on the Future of Peacekeeping” 13 May 2025 (Available at <https://peacekeeping.un.org/en/un-secretary-general-remarks-to-ministerial-meeting-future-of-peacekeeping>).

¹⁸⁸ UNGA, *Demand for ceasefire in Gaza, Report of the Secretary-General*, UN General Assembly, (A/79/739, 2025), 4-5 & 9.

5.1. The Future of UN Peacekeeping

This subchapter outlines three emerging proposals for shifts in UN Peacekeeping practices: the movement toward context-specific and modular peace operations; the strengthening of regional partnerships and hybrid models; and the growing emphasis on integrating Peacekeeping into broader political and preventive strategies. By examining these shifts, the subchapter provides a conceptual foundation for moving beyond traditional Peacekeeping models and assessing whether—and how—a mission in Gaza could be more effectively designed.

5.1.1. Context-Specific Peacekeeping

UN Peacekeeping has long struggled under the weight of overly broad mandates imposed on structurally inflexible missions. Traditional “one-size-fits-all” deployments are no longer viable in complex, asymmetrical environments. The urgency of adapting international responses is underscored by the increasing fragmentation and intractability of today’s conflicts, which have “mutated in a way that renders the standard treatment ineffective.”¹⁸⁹ In this context, traditional large-scale Peacekeeping operations appear ill-suited, prompting a shift toward more flexible approaches such as special political missions and civilian expert teams capable of engaging politically, facilitating dialogue, and supporting conflict management without large troop deployments.¹⁹⁰ The future of Peacekeeping does not lie in a singular model, but in a flexible constellation of approaches aligned with diverse political and institutional contexts.¹⁹¹ Instead, future missions must be demand-driven, modular, and tailored to local conflict dynamics. Such missions would be flexible in design, scale, and mandate—integrating the capacities of UN country teams and local institutions from the outset.¹⁹² This proposal is echoed in the *Pact for the Future*, which explicitly calls for “context-responsive operations and integrated approaches that draw on the full spectrum of peacebuilding and preventive tools.”¹⁹³ The UNDPO study similarly advocates for Peacekeeping models that can transition fluidly between phases—e.g., from emergency stabilization to long-term governance support—and that can be scaled or reorganized in response to political and security developments. These modular designs would also allow specific tasks to be delegated to other UN entities, such as Resident Coordinators

¹⁸⁹ Tombe, Berlin & Sisk, *supra* note 102, 7.

¹⁹⁰ Tombe, Berlin & Sisk, *supra* note 102, 7-8 & 21.

¹⁹¹ van Emmerik & Albrecht, *supra* note 102, 18-19.

¹⁹² Eugene Chen, et al. “Demand-driven operations: a new approach to UN peacekeeping.” *Institute for Security Studies*, (19 February 2025), 1-2 (Available at <https://issafrica.org/research/policy-briefs/demand-driven-operations-a-new-approach-to-un-peacekeeping>).

¹⁹³ UN, *supra* note 93, 16.

or Country Teams, without compromising mission coherence. Such flexibility is key to ensuring that peace operations remain politically relevant and operationally viable—particularly in unstable contexts like Gaza, where mission structures may need to shift rapidly in response to evolving conditions. Importantly, these models would embed adaptability into operations from the outset, enabling missions to scale up or down and adjust their focus as the situation develops.¹⁹⁴

5.1.2. Regional Partnerships and Hybrid Mission Models

A second proposed shift is toward shared, regionalized peace operations. The UNDPO study underscores that hybrid and joint missions—though politically complex—are becoming an essential feature of modern Peacekeeping. They offer the UN a pragmatic framework for operating in politically sensitive environments by pooling resources with regional or subregional actors. These models help mitigate capability gaps and build on comparative advantages, but they require clear divisions of responsibility, interoperable procedures, and robust financial frameworks to function effectively.¹⁹⁵ SC Resolution 2719 reflects this shift by reinforcing the role of regional organizations in peace operations. It institutionalizes the provision of predictable and sustainable UN funding for AU-led missions and emphasizes the importance of competence-based collaboration—positioning the UN less as the sole implementer and more as a strategic partner in addressing evolving security challenges.¹⁹⁶ Regional organizations are increasingly positioned to act early in crises and to shape peacemaking efforts. In many African contexts, these bodies are not only operationally active but also enjoy greater political legitimacy and cultural fluency than external actors. Their engagement allows for locally informed and timely responses that are often difficult to coordinate through UN mechanisms alone.¹⁹⁷

Hybrid models may take many forms. Some missions could be fully regional but supported logistically by the UN. Others may operate under joint command structures. The UN could also provide funding and oversight through support offices, while allowing regional organizations to manage day-to-day operations. This would enhance flexibility while maintaining accountability and legal compliance with international norms.¹⁹⁸ Resolution 2719 not only authorizes the use of assessed contributions for African Union-led peace support operations, but also creates space for standalone

¹⁹⁴ Wane, Williams & Kihara-Hunt, *supra* note 91, 19-22.

¹⁹⁵ Wane, Williams & Kihara-Hunt, *supra* note 91, 35-38.

¹⁹⁶ Albrecht & van Emmerik, *supra* note 95, 2.

¹⁹⁷ Albrecht & van Emmerik, *supra* note 95, 2
et. al., *supra* note 193, 6-7.

¹⁹⁸ Chen et. al., *supra* note 193, 6.

Tombe, Berlin & Sisk, *supra* note 102, 21

Chen

UN support offices, joint missions, and more systematic capability-sharing arrangements between the UN and the AU.¹⁹⁹ However, this emerging model also presents significant challenges. Past experiences have exposed the risks of fragmented mediation efforts, ambiguous chains of command, and inconsistent adherence to protection norms. As some observers have noted, such scenarios can result in “mediation mayhem,” undermining both the coherence and credibility of international peace initiatives.²⁰⁰ To mitigate the risks associated with increasingly decentralized peace operations, future models must incorporate structured coordination mechanisms, reliable and sustainable financing, and robust systems of accountability. These safeguards are essential to ensure that the expanded role of regional actors does not compromise legitimacy, operational coherence, or adherence to international standards. In this mission model, the UN’s role may shift from that of direct implementer to strategic coordinator—providing SC endorsement, funding, planning and logistical support, and ensuring compliance with key norms such as civilian protection.²⁰¹

5.1.3. Integrating Peacekeeping into Political and Preventive Strategies

The final proposed shift is the repositioning of Peacekeeping as a political instrument. The 2015 HIPPO Report and the 2024 *Pact for the Future* both emphasized that Peacekeeping can only succeed when embedded in a credible political strategy (see more in section 3.4.). The norm of negotiated settlement has weakened considerably over the past decade, and many armed actors now operate in transnational, fragmented environments.²⁰² As a result, Peacekeeping must be reoriented toward supporting emerging political openings, rather than functioning as a substitute for diplomacy. The UNDPO study finds that Peacekeeping must be more deliberately anchored in political strategy if it is to remain credible and effective. Missions should no longer function as stand-alone instruments but should instead be integrated into broader prevention and peacebuilding agendas. The study calls for early strategic planning, stronger alignment with host country development frameworks, and clearly defined exit strategies that preserve mission legacies.²⁰³ Preventive approaches have been repeatedly highlighted as cost-effective and politically feasible alternatives to robust peace enforcement. These strategies have the potential to save lives, reduce long-term costs, and stabilize regions before violence escalates—yet they remain underutilized in practice. The UNDPO calls for improved

¹⁹⁹ Chen et. al., *supra* note 193, 6. Albrecht & van Emmerik, *supra* note 95, 2. UNSC, *Resolution 2719 (2023)*, UN Security Council, (S/RES/2719, 2023).

²⁰⁰ Tombe, Berlin & Sisk, *supra* note 102, 8-9 & 17.

²⁰¹ Chen et. al., *supra* note 193, 6-7 Albrecht & van Emmerik, *supra* note 95, 2.

²⁰² Tombe, Berlin & Sisk, *supra* note 102, 5-8.

²⁰³ Wane, Williams & Kihara-Hunt, *supra* note 91, 22 & 35-38.

conflict analysis, early warning systems, and the use of predictive technologies such as satellite monitoring and AI-driven threat assessments to be integrated into mission planning.²⁰⁴ The *Pact for the Future* reinforces this agenda by committing the UN to “revitalize and implement existing tools and mechanisms for the peaceful settlement of disputes,” including “confidence-building, early warning and crisis management, at the subregional, regional and international levels.”²⁰⁵

²⁰⁴ Albrecht & van Emmerik, *supra* note 95, 4.

²⁰⁵ UN, *supra* note 93, 13-14.

5.2. Constraints on Peacekeeping in the Middle East

This subchapter explores some of the structural and political constraints specific to Peacekeeping in a Middle Eastern context. It begins by surveying the region's sparse Peacekeeping record, followed by a focused analysis of Israel's historically fraught relationship with the United Nations, including its sharp deterioration in the wake of the October 7 attacks and the UNRWA crisis. The section then returns to UNIFIL, assessing how the mission's persistent difficulties—ranging from constrained consent and contested impartiality to operational stagnation—reflect broader regional patterns that may also influence the prospects of a future mission in Gaza. At the same time, by identifying these region-specific dynamics, the subchapter provides a critical framework for reimagining a Peacekeeping model for Gaza—one that is informed not only by evolving UN doctrine but also by the unique operational and political challenges of working in the Middle East.

5.2.1. Current state of Peacekeeping in the Middle East

As of May 2025, the UN has authorized over 70 Peacekeeping operations worldwide. More than 30 of these missions have taken place in Africa, which continues to host the largest and most resource-intensive UN deployments. In contrast, only a handful of UN missions have ever been deployed to the Middle East, and most have been limited in scope, mandate, or duration. Currently active UN operations in the Middle East include UNTSO, deployed since 1948 to monitor armistice lines in Israel/Palestine and the Golan Heights; UNDOF, stationed on the Syrian–Israeli border (1974–present); and UNIFIL (1978–present). Notably, no UN Peacekeeping missions have ever been deployed to Gaza, Yemen, or Iraq's internal conflicts, despite prolonged and significant levels of violence in each case.²⁰⁶

The Middle East is marked by enduring ideological and strategic divisions that have left the SC persistently deadlocked. Numerous draft SC resolutions on Syria have been vetoed by Russia and China, including proposals to impose sanctions, refer the conflict to the International Criminal Court, or authorize humanitarian access. In recent years, U.S. vetoes have similarly obstructed proposed resolutions on Gaza, including calls for ceasefires and international protection mechanisms for civilians.²⁰⁷

²⁰⁶ All relevant information can be found on the website for United Nations Peacekeeping (Available at <https://peacekeeping.un.org/en/where-we-operate>).

²⁰⁷ All relevant information can be found on the website for United Nations (Available at <https://research.un.org/en/docs/sc/quick/veto>).

5.2.2. Israel and the United Nations: A Fraught Relationship

Israel's view of the United Nations as structurally biased has been reinforced by decades of disproportionate criticism in key UN bodies. In 2018 alone, the UN General Assembly (UNGA) passed 21 resolutions condemning Israel, compared to only six addressing all other countries combined.²⁰⁸ The persistence of Agenda Item 7 in the Human Rights Council—under which Israel, uniquely, is discussed at every session—has been particularly controversial and was even criticized by former UN Secretary-General Kofi Annan as compromising the Council's credibility.²⁰⁹ In February 2024, UN human rights officials called for an arms embargo against Israel in response to the humanitarian crisis in Gaza. The Israeli Foreign Ministry condemned the move, accusing the UN officials of “cooperating with Hamas.”²¹⁰ Legal and symbolic developments perceived as favoring the Palestinian narrative have further shaped Israeli views, including the 2012 recognition of Palestine as a non-member observer state at the UN and the Palestinian Authority's subsequent access to international legal bodies such as the GA and the International Criminal Court.²¹¹ On April 14, 2024, following a major Iranian missile strike on Israel, UN Secretary-General António Guterres refrained from directly blaming Iran for the attack. In response, Foreign Minister Israel Katz declared Guterres persona non grata in Israel, effectively banning him from entry.²¹² Katz's decision reflected mounting Israeli frustration with what it sees as the UN's moral failure to address its security concerns, particularly its perceived leniency toward Iran and Hamas. Earlier that year, Katz accused the UN Human Rights Council of “cooperating with Hamas” after several officials renewed calls for an Israeli arms embargo.²¹³ Prime Minister Benjamin Netanyahu echoed these criticisms in his address to the GA on September 27, 2024, stating: “Israel has been tolerating this intolerable situation for nearly a year. Well, I've come here today to say enough is enough.”²¹⁴ These remarks reflect a growing consensus within the Israeli government that the UN no longer serves as a neutral arbiter in the region.

²⁰⁸ Yaron Salman, “The UN and Israel: From Confrontation to Participation.”, *Strategic Assessment*, vol. 23, no. 3 (2020), 42 (Available at <https://www.researchgate.net/publication/346025464>).

²⁰⁹ Salman, *supra* note 209, 43-44.

²¹⁰ TOI Staff, “UN rights officials call for Israel arms embargo; FM: They're cooperating with Hamas.”, *Times of Israel*, 24 February 2024 (Available at <https://www.timesofisrael.com/un-rights-officials-call-for-israel-arms-embargo-fm-theyre-cooperating-with-hamas/>).

²¹¹ Pnina Sharvit Baruch, “Israel's Response to UN Recognition of a Palestinian State.”, *INSS Insight*, No. 389 (3 December 2012), 1-2 (Available at <https://www.inss.org.il/publication/israels-response-to-un-recognition-of-a-palestinian-state/>).

²¹² Lazar Berman, “FM Katz declares UN chief Guterres ‘persona non grata’ in Israel over response to Iran attack.”, *Times of Israel*, 2 October 2024 (Available at https://www.timesofisrael.com/liveblog_entry/fm-katz-declares-un-chief-guterres-persona-non-grata-in-israel-over-response-to-iran-attack/).

²¹³ TOI Staff, *supra* note 211.

²¹⁴ Benjamin Netanyahu, “Israel's Prime Minister Benjamin Netanyahu remarks at the 79th session of

5.2.2.1. October 7 and the UNRWA Crisis

The October 7 attack significantly escalated Israel's adversarial posture toward the UN, particularly toward the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the UN agency responsible for Palestinian refugees. Israel soon alleged that at least a dozen UNRWA employees had participated in or supported the assault. These accusations, which emerged in January 2024, prompted Israel to declare the agency banned from operating within its territory.²¹⁵ Israel has long accused UNRWA of perpetuating the refugee issue by allowing the hereditary transmission of refugee status, employing individuals affiliated with terrorist organizations such as Hamas, and permitting incitement and anti-Israel propaganda in its educational materials and facilities.²¹⁶ However, the October 7 allegations introduced a dramatic and unprecedented dimension to these criticisms, leading several major donors—including the United States, Germany, the UK, and Canada—to suspend funding to the agency.²¹⁷ UNRWA and the broader UN system responded with expressions of public concern following Israel's ban, with UN officials emphasizing that the agency remains a vital provider of humanitarian assistance, education, and health services to millions of Palestinians, particularly in Gaza.²¹⁸ Critics of Israel's position accused it of politicizing humanitarian aid and seeking to dismantle a system it regards as politically inconvenient.²¹⁹

In response to the allegations, UNRWA swiftly terminated the contracts of ten implicated staff members and launched internal reviews. Simultaneously, two investigations were initiated: one by the UN Office of Internal Oversight Services (OIOS), at the request of the UN Secretary-General, and another by an Independent Review Group appointed by the Secretary-General in consultation with UNRWA Commissioner-General Philippe Lazzarini.²²⁰ The OIOS investigation

the UN General Assembly.”, United Nations, 27 September 2024 (Available at <https://www.un.org/unispal/document/israel-pm-remarks-un-ga-79-27sep24/>).

²¹⁵ UNRIC, *UNRWA banned by Israel: the UN calls for international justice*, Regional Information Centre for Western Europe, 15 April 2025 (Available at <https://unric.org/en/unrwa-banned-by-israel-the-un-calls-for-international-justice/>).

²¹⁶ Raphael Ben-Ari & Shaul Shart, “Israel Under Fire – UNRWA: Humanitarian Terrorism?” *Jerusalem Center for Security and Foreign Affairs*, 30 July 2024 (Available at <https://jcfa.org/article/israel-under-fire-unrwa-humanitarian-terrorism>).

²¹⁷ Simon Speakman Cordall, “Israel's ‘war’ against the UN.”, *Al Jazeera*, 25 October 2024 (Available at <https://www.aljazeera.com/news/2024/10/25/israels-war-against-the-un>)

Al Jazeera, “Which countries have cut funding to UNRWA, and why?” *Al Jazeera and news agencies*, 31 January 2024 (Available at <https://www.aljazeera.com/news/2024/1/28/which-countries-have-cut-funding-to-unrwa-and-why>).

²¹⁸ UNRIC, *supra* note 216.

²¹⁹ Susan M. Akram, “The failures of the UN in the Israel-Palestine conflict.”, *Open Global Rights*, 22 January 2024 (Available at <https://www.openglobalrights.org/failures-un-israel-palestine-conflict/>).

²²⁰ UN News. “UN completes investigation on UNRWA staff.”, *UN News*, 5 August 2024 (Available

concluded that, based on the insufficient and unverifiable information provided by Israel, there was evidence that “indicated” UNRWA staff “may” have been involved in the October 7 attacks.²²¹ The investigation by the Independent Review Group found that, while UNRWA maintains a “comparatively robust neutrality framework,” it faces significant operational challenges, including inconsistent vetting procedures, under-resourced oversight bodies, and susceptibility to undue political influence in certain staffing and educational areas.²²² In parallel, UN Watch released a separate report alleging deep-rooted affiliations between UNRWA personnel and Hamas.²²³

5.2.3. UNIFIL – Victim of the Everlasting Issues?

UNIFIL is not exempt from the enduring challenges of Peacekeeping discussed in section 3.4. The Mandate-Capability Gap became especially evident following the expansion of UNIFIL’s mandate through Resolution 1701. UNIFIL was tasked with supporting the LAF in establishing an area free of unauthorized armed personnel between the Blue Line and the Litani River. However, it lacked the mandate to forcibly disarm Hezbollah and relied heavily on the LAF, which itself lacked both the capacity and the political will to act. As noted in section 4.1.4, UNIFIL is authorized to take “all necessary action,” but in practice, its role has largely been confined to monitoring and reporting violations, without the means to confront them. This reflects a broader pattern in UN Peacekeeping, where missions are frequently assigned mandates that are not matched by the necessary political support or operational resources. UNIFIL’s limitations have been further exacerbated by deliberate restrictions on its movement and operational freedom, often imposed by Hezbollah itself (see section 4.1.4). Efforts to enhance UNIFIL’s effectiveness—such as the 2022 introduction of unannounced patrols—have done little to alter the operational reality.²²⁴ Even the most recent extensions of the mission’s mandate under Resolution 2749 failed to address its core structural deficiencies. Although

at <https://news.un.org/en/story/2024/08/1152841>).

²²¹ Ibid.

²²² Independent Review Group, “*Final Report for The United Nations Secretary-General: Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality*,” United Nations, (2024), 4-5, 11-12, 22 & 29-32 (Available at <https://www.un.org/unispal/document/report-independent-review-group-on-unrwa-22april2024/>).

²²³ UN Watch. “New Investigation Exposes UN Agency’s Shocking Ties to Terror Groups.” *UN Watch*, 7 January 2025 (Available at <https://unwatch.org/new-investigation-exposes-un-agencys-shocking-ties-to-terror-groups/>).

²²⁴ Orna Mizrahi, “Integrating UNIFIL into Agreements to End the War in the North: Not in Its Current Format,” *INSS Insight*, (30 October 2024), 3-4 (Available at <https://www.inss.org.il/publication/unifil-2024/>).

the importance of freedom of movement was reiterated, actual changes in operational capacity have so far been minimal.²²⁵

The final core challenge facing UN peace operations is the burden of structural and institutional constraints, which limit missions' flexibility, responsiveness, and strategic coherence. UNIFIL has faced persistent difficulties due to institutional and bureaucratic limitations inherent in the UN system. The UN's often slow and inadequate responses to repeated violations have highlighted the mission's limited political leverage and contributed to a perception of ineffectiveness.²²⁶ Bureaucratic inefficiencies have further impeded operations. For example, the time-consuming process of translating between Arabic and the various languages spoken by troop-contributing countries has frequently been cited by peacekeepers as a source of operational delay.²²⁷ Additionally, blurred lines of responsibility within UNIFIL's expanded civilian components have created coordination challenges, as functions among political affairs, civil affairs, and public information offices often overlapped without clear delineation.²²⁸

²²⁵ Ibid.

²²⁶ Nagel, Fin & Maenza, *supra* note 112, 4-5.

²²⁷ Nagel, Fin & Maenza, *supra* note 112, 7-8.

²²⁸ Nagel, Fin & Maenza, *supra* note 112, 4.

5.3. Peacekeeping in Gaza: Challenges and Possibilities

This subchapter applies the shifted role of core Peacekeeping principles and regional insights explored throughout the thesis to the specific case of Gaza. It addresses three interrelated dimensions essential to evaluating the feasibility of a UN Peacekeeping mission in this uniquely complex environment: the legal and political challenges of obtaining host state consent, the implications of different mandate options, and emerging proposals for innovative mission models. By engaging directly with the logistical, political, and normative questions surrounding how such a mission might be constructed, this subchapter is central to answering Chapter 5's research question: *What would be the main conceptual challenges to a UN Peacekeeping mission in Gaza, and could a reimagined Peacekeeping model provide a more feasible and effective approach?* Rather than offering a comprehensive mandate proposal, the subchapter aims to identify the principal challenges and opportunities associated with selected frameworks for such a mission, thereby evaluating its overall feasibility. It moves beyond theoretical critique to assess practical pathways—however narrow—for adapting Peacekeeping to a conflict marked by contested authority, ongoing violence, and deep mistrust of multilateral institutions. In doing so, the subchapter advances the thesis's overarching aim: to determine whether Peacekeeping, potentially in a reimagined format, could serve as a feasible tool for supporting a peace agreement between Israel and Hamas.

5.3.1. The Role of Consent for Peacekeeping in Gaza

While consent has historically functioned as a legal and normative cornerstone of Peacekeeping—upholding state sovereignty under Article 2(7) of the UN Charter and distinguishing Peacekeeping from enforcement—it has, in contemporary practice, become increasingly ambiguous. As discussed in Section 3.1.2, the UN privileges the consent of the internationally recognized host state, often disregarding other local or de facto actors, particularly in intra-state conflicts where legitimacy and authority are fragmented. This tension is especially significant in Gaza, where three distinct actors—Hamas, the Palestinian Authority (PA), and Israel—hold competing claims over governance and legitimacy. The UN's Capstone Doctrine requires consent from the “main parties to the conflict,” yet provides no legal mechanism for resolving disputes over which party holds legal primacy in situations of occupation or divided territorial control.²²⁹ The legitimacy and operational success of a Peacekeeping mission depend not only on formal consent but also on a degree of local ownership and

²²⁹ United Nations, *supra* note 45, 31.

buy-in from those living under its mandate.²³⁰ Moreover, as established in Sections 3.2 and 3.3, Peacekeeping missions cannot serve as substitutes for political settlements and are likely to fail if deployed into unresolved or active conflicts without meaningful consent.²³¹

5.3.1.1. Consent from Hamas?

Hamas, as the de facto governing authority in Gaza since 2007, exercises effective control over most administrative and security functions through a tightly consolidated system of governance. Following its military takeover, Hamas replaced key public sector personnel with loyalists, established its own cabinet and judiciary, and restructured the civil police under the Interior Ministry. It has created a parallel security apparatus distinct from its military wing and manages significant aspects of the local economy.²³² As such, one could argue that Hamas's consent is necessary for any Peacekeeping mission seeking meaningful access and operational impact in Gaza. An international Peacekeeping mission risks being seriously compromised if it is detached from the broader political context or excludes key local actors whose logistical cooperation is essential to mission success.²³³ Following the October 7 attacks, it is highly unlikely that Israel would accept any mission perceived as legitimizing Hamas or cooperating with it and thereby potentially provoking a veto in the SC. Moreover, Hamas has explicitly stated that it will not accept any foreign military presence on Palestinian land.²³⁴

5.3.1.2. Consent from the Palestinian Authority?

In his January report to the GA, the UN Secretary-General stated that “the Palestinian Authority must be at the center of planning for and the implementation of recovery and reconstruction in Gaza.” In April 2025, the European Union pledged to increase financial support to the Palestinian Authority, expressing hope that it would “reform” and become “stronger.” Furthermore, the AL's counterproposal to the Trump administration's Gaza plan also advocates placing the Palestinian

²³⁰ Maria J. Stephan, “The Case for Peacekeeping in the Occupied Palestinian Territories.”, *International Peacekeeping*, vol. 11, no. 2 (2004), 260-261 (Available at <https://doi.org/10.1080/1353331042000237265>).

²³¹ Stephan, *supra* note 231, 263.

²³² Bennedetta Berti & Anat Kurz, “Hamas and Governance in Gaza.”, *INSS Insight*, (2017), 31-34 (Available at <https://www.inss.org.il/publication/hamas-governance-gaza/>).

²³³ Stephan, *supra* note 231, 260-261.

²³⁴ Middle East Eye, “Hamas rejects foreign military presence on Palestinian land.”, *Middle East Eye*, 17 May 2025 (Available at <https://www.middleeasteye.net/live-blog/live-blog-update/hamas-rejects-foreign-military-presence-palestinian-land>).

Authority in control of Gaza.²³⁵ These developments suggest that consent for a Peacekeeping mission should be sought from the PA. The Palestinian Prime Minister stated in January 2025, “any future governance model for Gaza must rest on the authority of the Palestinian Authority.”²³⁶ However, there is a risk that enhancing the PA’s authority through a UN mission could be interpreted as a de facto step toward Palestinian statehood—potentially triggering a U.S. veto in the SC. Despite being a major financial contributor to the Palestinian territories, the U.S. has consistently blocked efforts to upgrade Palestine’s status within the UN.²³⁷ Meanwhile, Israeli Prime Minister Benjamin Netanyahu stated in February 2025 that neither Hamas nor the PA will govern Gaza after the war—without clarifying who, in that case, would assume control.²³⁸

5.3.1.3. Consent from Israel?

In an Advisory Opinion issued by the International Court of Justice (ICJ) in July 2024, the Court stated that Israel is occupying Gaza and is therefore bound by the obligations of an occupying power under IHL. UN Secretary-General António Guterres reinforced this position in May 2025, stating that “Israel has clear obligations under international humanitarian law... And as the occupying power, it must agree to allow and facilitate the aid that is needed.”²³⁹ In a recent statement, Prime Minister Netanyahu affirmed that Israel intends to take control of Gaza, further reinforcing perceptions of continued occupation.²⁴⁰ As noted by the ICJ, “Israel continued to exercise certain key elements of

²³⁵ UNGA, *supra* note 188, 10

Andrew Gray, “EU to boost financial support for Palestinian Authority.”, *Reuters*, 14 April 2025 (Available at <https://www.reuters.com/world/eu-boost-financial-support-palestinian-authority-2025-04-14/>)

Vivian Yee & Ismael Naar, “Arab States Propose Alternative to Trump’s Gaza Plan.”, *New York Times*, 4 March 2025 (Available at <https://www.nytimes.com/2025/03/04/world/middleeast/gaza-arab-leaders-meeting.html>).

²³⁶ Reuters, “Palestinian Authority must run Gaza after war, prime minister says.”, *Reuters*, 15

January 2025 (Available at <https://www.reuters.com/world/middle-east/palestinian-authority-must-run-gaza-after-war-prime-minister-says-2025-01-15/>).

²³⁷ Hope O’dell, “How much financial assistance has the US given the Palestinian territories?”, *The Chicago Council on Global Affairs*, 20 October 2023 (Available at <https://globalaffairs.org/commentary-and-analysis/blogs/how-much-financial-assistance-has-us-given-palestinian-territories>)

Security Council, “Security Council Fails to Recommend Full United Nations Membership for State of Palestine, Owing to Veto Cast by United States.”, UN doc. SC/15670, 18 April 2024 (Available at <https://press.un.org/en/2024/sc15670.doc.htm>).

²³⁸ Lazar Berman & TOI Staff, “Hamas said to agree to cede Gaza governance to PA; Netanyahu: ‘Not going to happen’.”, *Times of Israel*, 17 February 2025 (Available at <https://www.timesofisrael.com/hamas-said-to-agree-to-cede-gaza-governance-to-pa-netanyahu-not-going-to-happen/>).

²³⁹ António Guterres, “UN / GUTERRES GAZA HUMANITARIAN.”, United Nations, 23 May 2025 (Available at <https://media.un.org/unifeed/en/asset/d340/d3400440>).

²⁴⁰ Victoria Bourne, “UK, France and Canada threaten action against Israel over Gaza.”, *BBC News*, 20 May 2025 (Available at <https://www.bbc.com/news/articles/czxy19n4kpyo>) Wafaa Shurafa, Samy Magdy & Melanie Lidman, “Netanyahu promises new Gaza aid delivery plan as supplies still fail to reach Palestinians.”, *AP News*, 22 May 2025 (Available at <https://apnews.com/article/israel-palestinians-hamas-war-news-hostages-05-21-2025-11444e8b684b983dbb64daa5854b7b14>).

authority over the Gaza Strip, including control of the land, sea and air borders, restrictions on movement of people and goods, collection of import and export taxes, and military control over the buffer zone.”²⁴¹ These factors provide a legal basis for the argument that Israel, as the occupying power, may be the authority from whom consent must be obtained for the deployment of a UN Peacekeeping mission.

Another argument is that Israel’s consent may be essential from a purely logistical perspective. As demonstrated by the recent blockade on humanitarian aid, Israel exercises control over most of the Israel–Gaza border and therefore holds the key to the entry of not only humanitarian assistance but also potentially any personnel—civilian or military.²⁴² Given Israel’s past experiences with UNIFIL and UNRWA (see Sections 4.1, 4.3, and 5.2.2.1), it appears highly unlikely that Israel would consent to a UN Peacekeeping mission in Gaza. A news report from March 2024 suggested that Israel had considered a narrow humanitarian deployment involving Arab peacekeepers to secure aid corridors.²⁴³ This indicates a degree of conditional openness—if the mission is strictly non-political and explicitly excludes Hamas. However, recent statements by Prime Minister Netanyahu—most notably his announcement of an aid plan that envisions Israeli control over Gaza, with a private U.S.-backed foundation managing aid distribution and private armed contractors securing the operation—leave little room for optimism that Israel would support, let alone consent to, a UN Peacekeeping presence.²⁴⁴ Furthermore, if the UN were to seek consent from a widely criticized “occupying” power, it could risk being perceived as endorsing occupation—thereby undermining the impartiality of both the UN itself and any potential mission in Gaza. As noted in the Atlantic Council’s proposal for Gaza, regional actors, particularly Arab states, are unlikely to contribute troops to a mission perceived as anti-Palestinian or aligned with Israeli objectives.²⁴⁵ Finally, UNIFIL has fallen victim to the enduring structural challenges of UN Peacekeeping, offering no indication to Israel that a new mission could effectively enforce a ceasefire agreement.

²⁴¹ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, Advisory Opinion, International Court of Justice (19 July 2024), Para. 93.

²⁴² UN News, “UN life-saving aid allowed to trickle into Gaza as needs mount.”, *UN News*, 20 May 2024 (Available at <https://news.un.org/en/story/2025/05/1163501>).

²⁴³ TOI Staff, “Israel said advancing plan for Arab peacekeepers to secure Gaza aid deliveries.”, *Times of Israel*, 30 March 2024 (Available at <https://www.timesofisrael.com/israel-said-advancing-plan-for-arab-peacekeepers-to-secure-gaza-aid-deliveries/>).

²⁴⁴ Wafaa, Magdy & Lidman, *supra* note 241

Bourne, *supra* note 241.

²⁴⁵ Ahmed F. Alhabit, “With few options left, a limited peacekeeping force in Gaza could be the answer.”, *Atlantic council*, 5 July 2024 (Available at <https://www.atlanticcouncil.org/blogs/menasource/peacekeeping-force-gaza-philadelphia-corridor>).

5.3.2. Mandate of a Peacekeeping Mission in Gaza

Consent from any actor is, of course, highly dependent on the mandate of the mission to which they are consenting. As discussed in Sections 3.1.4 and 3.2, the evolution of Peacekeeping mandates over recent decades has shown that expansive or ambiguous mandates often lead to overstretch, compromised impartiality, and mission fatigue. As previously established in Chapter 3—through the cases of MONUSCO and MINUSMA—broad mandates pose significant risks in asymmetric conflict environments, including attacks on peacekeepers, the gradual erosion of host-state consent, and reduced feasibility of fulfilling all mandated tasks. The Brahimi Report, the HIPPO Report, the UNDPO study, and the *Pact for the Future* all stress the dangers of overpromising and underdelivering in Peacekeeping operations.

5.3.2.1. Broad Mandate?

SC Resolution 2735 (2024) outlines a three-phase process that includes a ceasefire, the return of displaced civilians, a hostage and prisoner exchange, and the implementation of a major reconstruction plan supported by international actors.²⁴⁶ Gaza's recovery needs are immense, with damage estimated at \$49 billion and long-term reconstruction costs projected to exceed \$53 billion. Additionally, there is a pressing humanitarian imperative to protect civilians—particularly in light of the mass displacement of 1.9 million people and the collapse of key infrastructure.²⁴⁷ Taken together, these factors indicate the need for a broad mandate encompassing protection of civilians (POC), ceasefire enforcement, and long-term reconstruction support, should a new ceasefire resolution mirror Resolution 2735. These are all mandate elements which, according to the UNDPO study, require extensive military capabilities to enforce—thus also necessitating SC approval. Furthermore, the study underscores that any mandate involving ceasefire enforcement or observation would be heavily dependent on the perceived impartiality of the mission.²⁴⁸

²⁴⁶ UNSC, *supra* note 1.

²⁴⁷ UNGA, *supra* note 188, 4-6.

²⁴⁸ Wane, Williams & Kihara-Hunt, *supra* note 91, 23-24, 27 & 31-32.

The AL's proposal for a UN Peacekeeping force in Gaza, according to various reports, envisions a multinational mission with a temporary mandate focused on maintaining order, deterring violence, protecting humanitarian operations and civilians, and facilitating the reconstruction process—including support for a future two-state solution.²⁴⁹ This proposal includes a transitional arrangement in which an Arab-led or UN-backed force would help stabilize Gaza until the PA is able to reassume administrative control, explicitly avoiding any long-term occupation or governance role by external actors.²⁵⁰ As such, the proposal implies a broad mandate with enforcement powers and thus faces many of the same challenges identified in previous proposals. Both concepts would require SC approval, which remains a significant obstacle. This is particularly true for the AL's proposal, as it includes advancing a two-state solution and placing the PA in charge of Gaza—conditions that Israel has categorically rejected.²⁵¹

5.3.2.2. Limited Mandate?

By contrast, a Peacekeeping mission with a limited mandate—focused on monitoring ceasefire implementation, facilitating humanitarian aid, or overseeing specific provisions of a ceasefire agreement—could potentially be more feasible. Israel, which has repeatedly criticized the performance and impartiality of past UN missions such as UNIFIL (see Section 5.1.2), might be more receptive to a narrowly tailored mission with minimal enforcement powers and no coordination with Hamas.²⁵² Furthermore, a limited mandate with no enforcement authority could be structured under GA authority through the *Uniting for Peace* resolution, thereby avoiding SC vetoes.²⁵³ Although these precedents are several decades old, they demonstrate that the GA can act when the SC is deadlocked. Two prior Peacekeeping operations were established by the UNGA: the United Nations Emergency Force (UNEF I, 1956) and the United Nations Security Force in West New Guinea (UNSF, 1962).²⁵⁴ The 2024 UNDPO study confirms that GA-mandated Peacekeeping missions remain a legitimate, albeit exceptional, option.²⁵⁵

²⁴⁹ Yee & Naar, *supra* note 236

Al Jazeera, *supra* note 5.

²⁵⁰ Thomas S. Warrick, “The Egyptian plan for postwar Gaza is a good starting point—but it needs changes.”, *Atlantic council*, 5 March 2025 (Available at <https://www.atlanticcouncil.org/blogs/new-atlanticist/the-egyptian-plan-for-postwar-gaza-is-a-good-starting-point-but-it-needs-changes>).

²⁵¹ Berman & TOI Staff, *supra* note 239

Warrick, *supra* note 251.

²⁵² TOI Staff, *supra* note 244.

²⁵³ UNGA *Uniting for peace*, UN General Assembly, (A/RES/377(V), 1950), 10.

²⁵⁴ Henderson, *supra* note 29, 224-226.

²⁵⁵ Wane, Williams & Kihara-Hunt, *supra* note 91, 18 & 22.

However, the drawbacks of this approach are significant. A mission mandated to facilitate aid delivery in contested zones without enforcement powers risks being targeted. The Secretary-General's 2025 report to the General Assembly documents the breakdown of law and order in Gaza, including attacks on humanitarian convoys and widespread looting.²⁵⁶ The UNDPO study confirms that any Peacekeeping mission mandated to accompany or protect humanitarian personnel would require substantial military capabilities and thus Security Council authorization.²⁵⁷ In the absence of such capacity, peacekeepers risk becoming passive observers, unable to prevent violence or ensure aid delivery—thereby undermining both their credibility and operational legitimacy. Furthermore, missions perceived as indifferent to mass suffering are unlikely to gain political traction or sustain long-term support.²⁵⁸

5.3.3. A New Version?

The most comprehensive proposal published by the think tank *The Atlantic Council* calls for deploying a narrowly mandated multinational force—preferably Arab- or Muslim-led—along Gaza's borders with Israel and Egypt, including the Philadelphi Corridor. Its primary tasks would be to prevent weapons smuggling, infiltration, and cross-border attacks, while acting as a buffer to block the creation of an Israeli-occupied zone inside Gaza. The force could also stabilize critical entry points like Rafah and Kerem Shalom, facilitate aid delivery, and enable the setup of temporary facilities for reconstruction and governance. By restricting the mission to border security and avoiding internal operations, the model seeks to lower risks for participating states while offering tailored assurances to both Palestinians and Israelis: avoiding a permanent foreign presence for the former and preventing ineffectiveness akin to UNIFIL for the latter.²⁵⁹ This model reflects the modular, demand-driven approach envisioned in Section 5.1.1—namely, small, technically defined missions that can be deployed and adjusted without the institutional weight of traditional multidimensional operations. It is also designed to satisfy Israeli security preferences while remaining politically acceptable to Arab states, and reflects the broader push for regionally led Peacekeeping. In this model, an Arab- or Muslim-led mission would assume primary operational responsibility, while the UN would support coordination, financing, and legal oversight—building on the precedent set by SC Resolution 2719 (see Section 5.1.2). However, as warned in Section 5.2, purely technical deployments often fall short

²⁵⁶ UNGA, *supra* note 188, 7.

²⁵⁷ Wane, Williams & Kihara-Hunt, *supra* note 91, 31-32.

²⁵⁸ Bellamy & Hunt, *supra* note 30, 1284.

²⁵⁹ Alhabit, *supra* note 246.

in contexts where political authority is fragmented and humanitarian needs are vast. This approach sidesteps core issues of governance, reconstruction, and protection—issues central to both the Secretary-General’s assessment of Gaza’s needs and the broader vision of context-integrated Peacekeeping found in the *Pact for the Future*.²⁶⁰ It also bypasses the core issue of consent.

²⁶⁰ UNGA, *supra* note 188, 6 & 10

UN, *supra* note 93, 16.

5.4. Preliminary Findings from Chapter 5

This chapter set out to answer the third and final sub-question of the thesis: *What would be the main conceptual challenges to a UN Peacekeeping mission in Gaza, and could a reimagined Peacekeeping model provide a more feasible and effective approach?* The findings demonstrate that, while the international community's renewed focus on Peacekeeping reform provides important institutional momentum, the political, legal, and structural realities surrounding Gaza present profound challenges to the feasibility of a UN Peacekeeping mission.

First, consent remains the most fundamental obstacle. With authority fragmented between Hamas, the Palestinian Authority, and Israel, the legal and political foundations for any mission are deeply unstable. The absence of unified—or even overlapping—consent severely undermines the operational viability of Peacekeeping in Gaza. Second, the design of the mission's mandate is inherently constrained by political realities. A robust mandate risks provoking opposition from key actors, while a limited mandate may lack the capacity to address Gaza's urgent protection and reconstruction needs. Under current conditions, neither option appears fully workable. Third, while modular and hybrid Peacekeeping models offer innovative pathways, their success depends on factors largely absent in Gaza: a credible political process, coordinated international support, and minimal obstruction from central stakeholders.

Taken together, these findings suggest that any Peacekeeping mission in Gaza would face severe conceptual and contextual hurdles. While reform-oriented models hold promise in theory, their application in Gaza remains, at least for now, deeply constrained by political fragmentation, security volatility, and the absence of a viable governance framework.

6. Conclusion

This thesis set out to explore the legal and operational feasibility of deploying a UN Peacekeeping mission in Gaza, focusing on how evolving Peacekeeping principles might influence its ability to support a post-conflict political agreement between Israel and Hamas. It addressed the central research question: *To what extent could a UN-mandated Peacekeeping mission in Gaza support the durability of a peace agreement between Israel and Hamas, and how would the evolving Peacekeeping characteristics of host state consent, impartiality, and limited use of force affect the feasibility of such a mission?* Drawing on doctrinal legal analysis and comparative case studies, the findings suggest that the feasibility of such a mission—under the current Peacekeeping framework—is extremely limited. The legal architecture and operational assumptions underpinning traditional UN Peacekeeping, particularly the centrality of host state consent, impartiality, and the limited use of force, appear ill-suited to the political and security realities in Gaza. As such, the case reveals the outer boundaries of contemporary Peacekeeping and underscores the need to reconfigure both doctrine and practice to better accommodate deployment in complex, fragmented, and politically contested environments.

Among the three core Peacekeeping principles examined—consent, impartiality, and the limited use of force—consent emerges as the most critical constraint in the Gaza context. The situation is characterized by a fragmented authority structure: Hamas exercises de facto control, the Palestinian Authority claims international legitimacy, and Israel retains territorial and logistical control over access to the territory. As Chapter 5 demonstrates, no current configuration offers a clear or credible pathway to securing consent from all relevant actors. The UN’s traditional approach—which privileges the consent of the internationally recognized host state—is inadequate in this context. Absent operational cooperation from Hamas and at least tacit political acquiescence from Israel, no Peacekeeping mission could function effectively on the ground. This is not merely a political impasse; it constitutes a foundational legal and operational dilemma. The experience of MINUSMA further underscores the fragility of host-state consent and the profound risks that arise when Peacekeeping operations are deployed into fragmented, asymmetric conflict environments without durable political backing.

As detailed in Chapter 4, Israel’s invocation of self-defense during its October 2024 ground offensive—despite the constraints imposed by Resolution 1701—reflects a method in which states can unilaterally interpret legal ambiguities to justify actions that may undermine the collective security framework. The unresolved tension between Article 25 and Article 51 of the UN Charter—

particularly regarding the legal interpretation of the “until clause”—creates significant space for states to circumvent Security Council mandates. In the context of Gaza, where any ceasefire is likely to be fragile and contested, similar legal justifications could again be employed to legitimize unilateral military action. This undermines the foundational premise of Peacekeeping as a stabilizing, rule-based mechanism. UNIFIL—the most relevant comparative case—offers little indication that the presence of a Peacekeeping mission would meaningfully enhance the durability of a ceasefire agreement under such conditions.

The findings of this thesis also demonstrate that while impartiality and limited use of force remain formal pillars of UN Peacekeeping, they have been significantly stretched by contemporary practice. In asymmetric conflicts involving designated terrorist organizations—as would be the case in Gaza—impartiality becomes both operationally difficult and politically contested. Similarly, the expansion of Peacekeeping mandates to include offensive operations has blurred the line between Peacekeeping and peace enforcement. In the context of Gaza, a mission with a robust mandate might be necessary to address urgent humanitarian and security needs, yet it would almost certainly lack the political consensus required for deployment. Conversely, a mission with a limited mandate may be more politically acceptable to key actors but would likely prove inadequate in a volatile and deteriorating security environment.

The reform proposals discussed in Chapter 5—modular mission structures, hybrid models, and enhanced regional partnerships—offer glimmers of hope. They reflect a growing recognition within the UN system that Peacekeeping must become more context-specific, politically integrated, and strategically flexible. The momentum generated by the 2025 Berlin Ministerial, which saw more than 200 pledges to strengthen capabilities and coordination, suggests that the international community remains committed to adapting Peacekeeping to contemporary challenges. However, as this thesis has demonstrated, these reforms do not resolve the deeper structural and political dilemmas presented by the Gaza case. Modular missions still require access. Hybrid operations still need a viable legal framework. Regional partnerships still depend on both local legitimacy and international consensus.

Ultimately, while recent reform agendas and proposals for modular, regional, or hybrid Peacekeeping models offer a more adaptable framework than traditional missions, they cannot overcome the foundational constraint that undermines feasibility in Gaza: the absence of unified and credible host state consent. Even the most flexible Peacekeeping model remains contingent not only on consent, but also on some degree of political agreement and local legitimacy. In the case of Gaza—

where authority is fragmented, consent is contested, and Security Council consensus remains elusive—these baseline requirements are not currently in place. Thus, although Peacekeeping reform introduces valuable institutional tools, it does not resolve the structural and political dilemmas at the core of the Gaza case. The feasibility of a UN-mandated mission in Gaza remains severely constrained by the very conditions it would be tasked with stabilizing. Until these underlying political realities are addressed, Peacekeeping in Gaza remains more a matter of aspiration than implementation.

While Gaza may currently represent an unfeasible testing ground for reimagined Peacekeeping models, other conflict arenas—where host state consent is less contested—may offer more viable opportunities for implementing and refining these reforms. The pledges made at the 2025 UN Peacekeeping Ministerial and the adoption of Resolution 2719 reflect a genuine institutional momentum toward reform. Yet, as this thesis has shown, the enduring structural and political challenges facing Peacekeeping have not yet been resolved. Whether these new models can transcend the longstanding limitations of Peacekeeping will depend on their ability to deliver tangible and sustainable results. The coming years will reveal whether these innovations constitute a meaningful turning point—or merely another iteration of well-intentioned but ultimately unrealized ambition.

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