

**“The Privatization of Peacekeeping: Prospects and Realities”, in Disarmament Forum,
United Nations Institute for Disarmament Research, No. 3, 2000.**

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The 1990s witnessed the increasing use of private military and security companies in number of contexts within conflicts. Companies such as Military Professional Resources Inc., Sandline International and Defence Systems Ltd have been hired by governments, private corporations and humanitarian agencies to provide — depending on the circumstances — a range of security and military services including: combat and operational support, military advice and training, arms procurement, logistical support, security services, intelligence gathering and crime prevention services. Used in conflict environments it is difficult to distinguish the two kinds of companies, although private military companies are associated more with activities designed to have a military impact, whereas private security companies are primarily concerned with protecting individuals and property. A number of companies, however, provide both sorts of services. To date, private security and military companies have only been used by multilateral peacekeeping organizations to perform logistical, support and some security functions.

One could argue that the activities of private military and security companies have revealed many of the shortcomings of the UN and other multilateral organizations in responding to a growing number of crises and that they could be used to take up the slack where these bodies are unable or unwilling to intervene.¹ Serious concerns have been raised, however, about private companies being involved in peacekeeping operations of a military nature — as their activities are seen by some to resemble those of mercenaries. The UN in particular does not see them as a feasible option.

This paper assesses the present and potential role of these companies in peacekeeping operations. After examining the arguments for their use and current examples of their involvement in

peacekeeping activities, it highlights a variety of concerns associated with their use, which suggest they are unlikely to receive greater acceptance by policy-makers in the near future.

Private military companies — a possible solution to peacekeeping challenges?

A principal reason given for the increasing use of private military and security companies in the 1990s has been the UN Member States' unwillingness or inability to respond to a burgeoning number of crises. The rationale for using these companies is that they offer solutions to the political, financial and institutional constraints faced by the UN and other bodies.

POLITICAL CONSTRAINTS

Since the end of the Cold War many western governments (with the United States at the fore) have been increasingly reluctant to commit their national troops to multilateral peacekeeping missions unless key interests are at stake, because of the political storm that would erupt back home if there are casualties. This trend became evident after the ill-fated intervention in Somalia in 1993 and was displayed quite vividly again in Kosovo last year when most allied countries were unwilling to provide ground troops to the NATO campaign. Bilateral interests have also receded with France and other ex-colonial powers removing their troops from former territories and colonies. The fact that France did not intervene after the recent military coup in Côte d'Ivoire is telling in this regard.

Against this backdrop private military companies have shown a willingness to intervene in many of the hostile environments of little strategic interest to the key global powers, while appearing not to suffer the same political constraints as governments in incurring casualties. As opposed to national troops, there is not the same public outcry when privately contracted military personnel are used because their motivation is essentially financial and not to ensure national security. There have been reports suggesting that deaths of private military company personnel have received far less attention than those of national forces. Losses incurred by DynCorp,ⁱⁱ a firm used by the United States in Colombia, for example, apparently received minimal attention when compared with the death of five active-duty American service personnel in a plane crash in the same country last year.ⁱⁱⁱ Most — but not all — companies are, however, adverse to taking on contracts in which their personnel would play a specific combat role and risk casualties.

LACK OF CAPACITY AND SHORTAGE OF FUNDS

The UN and other multilateral organizations also simply have not had the capacity or the necessary funds to cope with providing for peacekeepers on a continual basis in many of the conflict zones around the world. The number of UN peacekeepers dwindled substantially by the latter part of the 1990s; although the figure for UN troops grew from 10,000 in 1989 to 70,000 in 1995, it had fallen to 19,000 by 1998.^{iv} The recent peacekeeping plan in Kosovo has also revealed a lack of capacity in certain areas. Originally, it included 4,780 police officers who were to come from forty-two countries and work under the direction of the UN, but by January 2000 there were only 1,970 officers committed with concerns about where the remainder would be found. In view of these capacity problems, private security and military provide another potential pool from which personnel for peacekeeping operations may be found.

In addition, private firms are perceived as offering a more cost-effective way of providing the same number of personnel because of the savings usually associated with the private sector. Certainly the American government appears to be increasingly convinced by the cost benefits of using private contractors to conduct aspects of its military operations abroad. Its State Department, for example, has turned to Virginia-based Military Professional Resources Inc. (MPRI) to carry out large parts of its military training overseas, such as the Africa Crisis Response Initiative (ACRI). The purpose of ACRI is to create an indigenous peacekeeping force in Africa and MPRI is in the process of training a number of African militaries to this end. However, the American government has not thus far used such companies for its commitment to multilateral peacekeeping missions.

FAILURE TO ACT QUICKLY

Another problem bedeviling the UN and other multilateral organizations is an inability to act quickly when crises arise and to deploy peacekeepers fast. Because they are political bodies that require consensus on decision-making and are administered by large bureaucratic institutions, they can be slow in responding even when there is sufficient warning of looming crises. And in the event that there is *in principle* willingness to field a UN peacekeeping operation, getting agreements in place and forces mobilized to get to the conflict zone in time is extremely difficult. The preparedness of the

Australian forces in East Timor is an exception to recent examples. The UN (or most other multilateral bodies) does not have a rapid deployment stand-by force that can be used on such occasions. It has been suggested that private security and military companies could be called upon and deployed much more quickly than traditional multilateral forces. Furthermore, calling upon private companies as and when they are needed could be far less costly than maintaining a permanently fixed stand-by force made up of national contingents from the UN Member States.

Current uses of private companies in peacekeeping operations

Despite the arguments in favour of using private security and military companies in peacekeeping operations, they have only been used in selective instances. This, in addition, has been ostensibly to perform benign functions such as logistical and other support functions rather than those with a security and military element. Three areas of activities in which these companies have operated in peacekeeping operations will be examined here: logistical and support services; security and functions; and military support.

LOGISTICAL AND SUPPORT SERVICES

Private contractors are used extensively in a variety of peacekeeping operations to provide logistical and support services. The firm Brown and Root, for example, is a major supplier to the American government and has won a contract for up to a billion dollars over five years with American NATO forces in Kosovo.^v The United States State Department has also contracted Pacific Architects and Engineers, working in conjunction with another American firm, International Charter Inc., to provide logistical support to the ECOWAS Cease-Fire Monitoring Group (ECOMOG), the Nigerian dominated intervention force of the Economic Community of West African States (ECOWAS). The British government, too, reserves the right to use private companies in its memorandum of understanding with the UN's Department of Peace-Keeping Operations to provide some logistical functions.^{vi}

SECURITY AND POLICING FUNCTION

Private firms have seldom been used to perform security and policing functions within traditional peacekeeping operations (those based on the principles of non-interference and impartiality aimed at providing a secure environment in which peace process may be fostered).^{vii} The British company Defence Systems Ltd. (DSL) has provided local guards to UN peacekeepers in Angola in the past.^{viii} The potential use of South African private security companies within the context of last year's UN peacekeeping operations in East Timor is an example, however, of the controversies that can surround their employment. In October 1999, members of the African National Congress party called upon the services of two South African-based private security companies, Empower Loss Control Services and KZN Security, in response to a protection request by Jose Xanana Gusmao, leader of the National Council of the East Timorese, who was reluctant to entrust his safety to Indonesian bodyguards. The operation was to occur without publicity and apparently under the aegis of the UN, but received criticism within South Africa because it was unclear whether authorization for the companies' use had come from the South African government.^{ix} It was suggested that such action could have contravened anti-mercenary laws introduced in South Africa in July 1998, which specify that government permission (and that of the host country) must be obtained by security firms wanting to take up contracts outside of South Africa and that this was a job for the UN that South African firms should not become involved in.^x In the end, the idea to use the private security companies was dropped.

The protection of humanitarian relief operations is considered part of peacekeeping responsibilities and is an area in which private security companies are involved in large and growing numbers, chiefly to perform security and policing functions. Large parts of the humanitarian industry have already been privatized, with contractors readily being used to undertake the enormous logistical tasks involved in humanitarian operations. Private security companies too have begun to be used in such contexts. DSL is a key player and has been hired by a number of UN humanitarian agencies, including the UNICEF and the World Food Programme, to provide protection for their personnel and property.^{xi}

The international community often does not have a response to what are called 'complex emergencies' other than the provision of humanitarian assistance. If the host government is unable to provide a safe passage for the delivery of aid and the international community is reluctant or unable to intervene militarily, the onus is on humanitarian agencies to be responsible for their security arrangements. The imperative to do so is particularly pressing with the alarming increase in recent

years of violent attacks against humanitarian aid workers, particular those working for the UN. In 1998, the number of civilian UN workers killed exceeded UN military casualties for the first time.^{xii} Since 1992, 184 UN staff members have died in service; of those 98 were murdered, but only two perpetrators have ever been brought to justice. The safety of staff is now a major concern for donors and agencies alike. Two UN task forces have been set up to address the problem, and in February 2000 the UN appointed a co-ordinator to help improve security measures to protect its personnel in areas of conflict.

The use of private security companies represents one option for humanitarian agencies in devising their security arrangements. In the majority of cases they are used to protect personnel and property near duty stations in situations where law and order have broken down, rather than where armed conflict exists. Most agencies are adverse to using armed escorts (of which private security companies constitute one example) as this undermines their impartiality within the conflict upon which their humanitarian action is based. The International Red Cross and Red Crescent Movement, for example, would only consider using armed protection for relief convoys in exceptional circumstances.^{xiii} The use of armed escorts arguably heightens rather than reduces security risks. Insecurity is so bad in some situations, though, that agencies are faced with the stark dilemma of either abandoning civilians or seeking arrangements with private security companies to enable aid to be delivered.

MILITARY SUPPORT

Private security and military companies have only rarely been used to perform tasks of a military nature usually associated with regular troops and personnel. One of the rare examples occurred in October 1998 when the American government used a private firm, DynCorp, to provide the American military contingent in the Organization for Security and Co-operation in Europe mission to verify the withdrawal of Serb forces from Kosovo prior to the NATO intervention.^{xiv} The American government used the company because it did not want to send its own troops into a conflict situation unarmed; using a private firm served as a way of avoiding the political risks associated with such action.^{xv} Although DynCorp's personnel were unarmed, it was the first time an American firm had been used in a combat area, which raised a number of eyebrows amongst analysts and

commentators who felt that the United States was not taking its responsibilities seriously and distancing itself from the operation.^{xvi}

The activities of private military companies in Sierra Leone and their involvement with ECOMOG provides the best example thus far of private military companies being associated with peacekeeping operations. A number of private security and military companies, including Gurkha Security Guards, Control Risks Group, DSL and Executive Outcomes, were particularly active in Sierra Leone throughout much of the 1990s—although up until 1997 their services were mainly hired by the government of the moment or international mining companies operating in the country. In 1997 and 1998, though, the British-based private military company Sandline International began to co-ordinate efforts with ECOMOG in attempt to restore Tejah Kabbah, the deposed and democratically elected President of Sierra Leone. This included personnel providing logistics, intelligence and air-support.^{xvii}

The implementation by Sandline International of operation “Python”, which included the transfer of thirty-five tonnes of military equipment from Bulgaria to ECOMOG forces, ended the activities of the company in Sierra Leone. The shipment of weapons was in contravention of the UN Security Council sanctions imposed on Sierra Leone^{xviii} at the time, causing a scandal in the United Kingdom and an inquiry into whether the company had received authorization from the British government. This episode represented the end of a period in which private military companies had become particularly involved in a number conflicts in Africa and arguably prospects for such companies featuring more in peacekeeping operations have receded since then.

Future trends

The privatization of certain activities in peacekeeping operations is already a reality in a number of contexts. During the mid-1990s, the suggested successes in Angola and in Sierra Leone of perhaps the most well-known private military company, the South African-based Executive Outcomes, to help shift the tide of seemingly intractable conflicts inflicting both countries, led a number of commentators to suggest that private military companies had succeeded where the UN had failed and that they should perhaps be used by the UN to help enforce peace settlements.^{xix} A representative of Executive Outcomes boldly claimed that they could have helped prevent the Rwandan genocide in 1994 and acted where the UN had floundered.^{xx}

Despite the battlefield success of some private military companies, they have been in decline since the late 1990s and their prospects for being included in future peacekeeping missions in a significantly larger role look bleak. In January 1999, Executive Outcomes announced its closure, with representatives citing a quite implausible reason — the new semblance of peace and stability across Africa — for their decision to terminate business.^{xxi} The more likely reason for their closure is the introduction of anti-mercenary laws in South Africa in 1998 and a general lack of acceptance by the international community for their activities.

In June UN Secretary-General Kofi Annan indicated that he had considered the possibility of engaging a private firm in separating fighters from refugees in the Rwandan refugee camps, but did not feel the world was ready to privatize peace.^{xxii} It is unlikely that the UN and other multilateral organizations will move far from this position in the foreseeable future. In February 2000 Sandline International announced that it had become a registered supplier in the UN Common Supply Database used by a number of UN and UN-related organizations seeking specific contracts.^{xxiii} But apart from this ostensibly service-oriented role, private military companies have received only a lukewarm response from peacekeeping organizations, particularly the UN. There are a few clear reasons that help to explain the receding popularity of the concept of using private military companies within peacekeeping contexts.

GROWING COMMITMENT BY THE INTERNATIONAL COMMUNITY TO PEACEKEEPING

The principal reason is perhaps the renewed commitment of the international community to deploy peacekeeping troops that has been witnessed in the last few years. The high profile cases of private military companies performing peace-enforcing roles in Angola and Sierra Leone in the mid-1990s has arguably served as a wake-up call to the UN and other multilateral organizations to boost their efforts and capabilities for responding to emerging crises. In large part this has been a question of political will. As Funmi Olonisakin has argued in reference to the use of Executive Outcomes in Sierra Leone, “the decisive use of force offered by private security companies is not beyond the capability of multinational armies if given the political backing.”^{xxiv}

Although the number of UN peacekeepers declined substantially up until 1998, there has been a reversal in this trend in the last two years. In April this year the number of UN peacekeepers in the field reached its highest level since 1995^{xxv} with missions in Sierra Leone, East Timor and another

planned for the Democratic Republic of the Congo. UN and other peacekeeping forces are now either present or are in greater numbers in countries in which private military companies have been active in the past, including Sierra Leone and Papua New Guinea. The emergence of regional and sub-regional peacekeeping mechanisms (usually led by a specific regional hegemonic power) and the consequent devolution of peacekeeping responsibilities away from the UN has produced alternative peacekeeping capabilities.^{xxvi} These factors combined have essentially rendered private military companies redundant in a number of contexts.^{xxvii}

Shortcomings and concerns

Notwithstanding the UN and other regional bodies' deployment of more peacekeeping missions in recent years, there are many shortcomings and concerns associated with private security and military companies being used in peacekeeping operations that help explain why they have not featured more.

TOO SMALL

To begin with, private military companies are simply too small to be involved in peacekeeping operations in a significant way. The size of many tasks that make up peacekeeping operations, such as those being planned by the UN in the Democratic Republic of the Congo, is arguably beyond the capability of most private military companies. It is doubtful whether there is a company that exists at the moment that could recruit and deploy the thousands of personnel needed to patrol entire conflict areas. It would also be difficult to portion up different parts of specific peacekeeping operations to the responsibility of a private military company. Integration with national force contingents would also no doubt be problematic. For these reasons it is perhaps understandable why private security companies have been used more in humanitarian operations than those of a more traditional peacekeeping nature.

POLITICAL OBSTACLES

Although private military companies might appear not to possess many of the political constraints of traditional peacekeeping forces, it is only the UN Security Council (through exercising Chapter VII of the UN Charter) that can authorize peacekeeping missions. Using private military companies does not obviate this requirement nor overcome many of the political difficulties faced by the Security Council. Even if it became feasible to use a private military company in a given instance, it is highly unlikely that the UN Department of Peace-Keeping Operations would be either willing to recommend their use to Member States or accept if a Member State wished to use a company based in its territory as part of its contingent. Many national contingents would simply be unwilling to work alongside private companies or cede operational control to them. Arguably a necessary antecedent to the use of private military companies in UN peacekeeping operations is the establishment of a UN standing force of which they could form a component. A standing force has many proponents who feel that it is the only way the UN can effectively and quickly respond to crises, but would be anathema to powerful states such as the United States and Russia as it would represent a step towards unpalatable world government.

MERCENARY ASSOCIATIONS

Because private military company personnel are involved in foreign conflicts for essentially financial gain, they may be considered mercenaries in the traditional sense of the word. The UN has repeatedly condemned the use of mercenaries and there is an International Convention against the Recruitment, Use, Financing and Training of Mercenaries.^{xxviii} Therefore, for its peacekeeping missions and regional operations that the UN Security Council must authorize, to be seen as using mercenary elements would smack of hypocrisy. The UN Special Rapporteur on mercenaries, Enrique Bernales Ballesteros, has said that private military companies “cannot be strictly considered as coming within the legal scope of mercenary status”.^{xxix} Nevertheless, until there is greater clarity as to the definition of a mercenary and how private military company personnel might be distinguishable from them, there will be continued unwillingness on the part of the UN and other bodies to hire their services.

ACCOUNTABILITY

There are serious concerns about who would be accountable for the actions of private military companies when used in multilateral peacekeeping operations. While the UN is responsible for its peacekeeping missions, it relies on the accountability of national contingents to their national governments for any wrongdoing. With the use of private companies the lines of accountability are not at all clear. This would make it hazardous for the UN in the design of peacekeeping operations as they would ultimately have to answer if something goes wrong. This is not to say that private military company personnel may not be professional nor that there are not problems with the conduct of traditional peacekeeping forces, but in the absence of proper provisions for accountability there are potential dangers with their use.^{xxx}

It has been suggested that a regulatory body could be set up under the auspices of the UN to register and monitor the activities of private military companies. Such a mechanism would certainly help set important precedents for needed transparency in the international market for private security and military companies by assisting in the development of internationally agreed standards for companies to meet. However, the UN would first need to see major advances in terms of supplier countries providing regulations for companies operating out of their territory before it could play a significant regulatory role itself. If the UN or another multilateral organization were to accredit companies, this might appear as if it has the power to authorize their use — which is clearly not the case. Nevertheless, there is an extremely important role to be played by the UN in helping to report and monitor the conduct of private security and military companies to ensure that their activities do not violate human rights or international humanitarian law. The dangers the activities of private security and military companies pose to the protection of human rights in the absence of proper regulation and control is something that has featured more and more in the analysis of the UN Special Rapporteur on mercenaries, who reports to both the UN Commission on Human Rights and to the General Assembly. In its current wording, however, the mercenary mandate in the Commission on Human Rights that supports his work does not make reference to private security and military companies nor does it reflect the subtle challenge they present to the protection of human rights. The mandate of the Special Rapporteur will be reviewed in 2001. It is important the Commission broadens the remit of the mandate to incorporate these companies and ensure that it co-ordinates the UN's response to this issue.

Conclusion

The privatization of peacekeeping functions is a reality but mainly confined to logistical and support services and some security and policing functions. There has been a clear lack of acceptance of private companies being used for activities of a military nature. Although private security and military companies emerged in the 1990s as an option for the UN and other multilateral organizations to perform peacekeeping operations, a greater willingness on the part of the UN to deploy peacekeeping troops in the last two years has rendered their services redundant in a number of contexts. Additionally, there are numerous problems associated with their use in terms of their capacity to perform peacekeeping missions, the mercenary character of their activities and lack of accountability such that they are unlikely to receive greater acceptance in the near future.

Nevertheless, the UN and other multilateral organizations still have to address a number of challenges if they are to respond effectively to a mounting number of crises around the world. Propelled by recent critical reports on UN action in the Rwandan genocide of 1994 and the 1995 fall of Srebrenica in former Yugoslavia, UN Secretary-General Kofi Annan has set up an independent commission of experts to examine UN peacekeeping operations, past and present, and make recommendations to improve them in the future. It is important that the lessons to be learnt from the recent examples of private security and military companies being used in peacekeeping environments be considered in this exercise and those problems that have been highlighted here be addressed.

Notes

ⁱ See Herbert Howe, "Private Security Forces and African Stability: The Case of Executive Outcomes", *Journal of Modern African Studies*, Vol. 34, No. 2, 1998; and David Shearer, "Private Armies and Military Intervention", *Adelphi Paper 316*, International Institute for Strategic Studies, Oxford, Oxford University Press, 1998.

ⁱⁱ DynCorp has 17,500 employees, 550 operating facilities around the world and an annual revenue of \$1.3 billion.

ⁱⁱⁱ Tod Robberson, 'Contractors Playing Increasing Role in US Drug War', *Dallas Morning News*, 27 February 2000.

^{iv} Mark Malan, 'The Crisis in External Response' in Jakkie Cilliers and Peggy Mason, *Peace, Profit and Plunder, The Privatisation of Security in War-Torn Africa Societies*, Institute for Security Studies, South Africa, 1999, p. 85.

^v 'War and piecework', *The Economist*, 10–16 July 1999, p. 67.

^{vi} Report from 'A Consultation on Private Military Companies', International Alert, London, December 1998, p. 7.

^{vii} For a definition of traditional peacekeeping see Christopher Bellamy, *Knights In White Armour: The New Art of War and Peace*, London, Random House, 1996, p. 85.

^{viii} Daniel Burton-Rose and Wayne Madsen, 'Corporate Soldiers: The US Government Privatises the Use of Force', *Multinational Monitor*, Vol. 20, No. 3, March 1999.

^{ix} Paul Kirk and Ivor Powell, 'Private SA force for East Timor conflict', *The Mail & Guardian*, 29 October 1999.

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- ^x Press Statement by Brig. General Philip Schalkwyk MP, Defence Spokesman, Democratic Party, 1 October 1999.
- ^{xi} 'Can We Control the Dogs of War?' *New African*, May 1998, p.5.
- ^{xii} United Kingdom Department for International Development, *Conflict Reduction and Humanitarian Assistance*, Policy Statement, February 1999, p.
- ^{xiii} Resolution 9 adopted by the Council of Delegates at its session of 1–2 December 1995, Geneva, Switzerland: 'Armed Protection of Humanitarian Assistance' *International Review of the Red Cross* 310, January-February 1996, pl.50–51.
- ^{xiv} Jonathon Steele, 'US gives Kosovo monitoring job to mercenaries' *The Guardian*, 31 October 1998.
- ^{xv} Kevin A. O'Brien, 'PMCs, Myths and Mercenaries: the debate on private military companies', *Royal United Service Institute Journal*, February 2000.
- ^{xvi} The British contribution to the OSCE mission came from seemingly more traditional means in the form of retired military personnel with international experience. Apart from not having been administered by a private company, though, it is difficult to see a substantial difference to that provided by DynCorp.
- ^{xvii} Kevin O'Brien, 'Private Military Companies and Africa Security 1990–98', in A. Musah and J. Kayode Fayemi, *Mercenaries: An African Security Dilemma*, Centre for Democracy and Development, Pluto Press, 1999, p.
- ^{xviii} UN Security Council resolution 1132, 8 October 1997, para.
- ^{xix} See for instance Herbert Howe, "Private Security Forces and African Stability: The Case of Executive Outcomes", *Journal of Modern African Studies*, Vol. 34, No. 2, 1998; and David Shearer, "Private Armies and Military Intervention" *Adelphi Paper 316*, International Institute for Strategic Studies, Oxford, Oxford University Press, 1998.
- ^{xx} A.J. Venter, 'Market Forces: how hired guns succeeded where the United Nations failed', *Janes International Defence Review*, 3/1998.
- ^{xxi} Victor Mallet, Mercenary company closes in South Africa, *Financial Times*, 11 December 1998.
- ^{xxii} Speech given by the Secretary-General at Ditchley Park, United Kingdom, 26 June 1998 (Press Release SG/SM/6613).
- ^{xxiii} <http://www.sandline.com/site/index.html>
- ^{xxiv} Dr Funmi Olonisakin, 'Mercenaries Fill the Vacuum' *The World Today*, June 1998, p.167.
- ^{xxv} UN Newsservice, 12 April 2000.
- ^{xxvi} For a detailed examination of the devolution of UN peacekeeping responsibilities, see Michele Griffin, 'Blue Helmet Blues: Assessing the Trend Towards "Subcontracting" UN Peace Operations', *Security Dialogue*, vol. 30, no. 1, March 1999.
- ^{xxvii} See A. Musah and J. Kayode Fayemi, "Mercenaries: An African Security Dilemma", *Centre for Democracy and Development*, Pluto Press, 1999.
- ^{xxviii} UN General Assembly resolution 44/34, December 1989.
- ^{xxix} *Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*, E/CN.4/1997/24, 20 February 1997.
- ^{xxx} In August 1999 the UN announced steps to help ensure UN peacekeepers adhere to the principles of the Geneva Conventions after a number of reported instances of UN troops violating the principles of international humanitarian law.