Colliding Norm Clusters: Protection of Civilians, Responsibility to Protect, and Counter-terrorism in Mali

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Abstract

The United Nations Security Council passes resolutions that invoke multiple norms including the protection of civilians (PoC), the responsibility to protect (R2P), and counter-terrorism. The fact that these norms are invoked alongside one another raises questions about how they interact. While there have been studies on the relationship between PoC and R2P, as well as R2P and counter-terrorism, as far as the authors are aware, this is the first study that analyses the interplay between all three norms. To do this, the article utilises the concept of 'norm clusters' to discuss the internal structure of PoC, R2P, and counter-terrorism prior to analysing the linkages between them. The article proposes that PoC, R2P, and counter-terrorism can be viewed as a 'human protection norm cluster' but also highlights areas of tension and overlap between the three norms. At the empirical level, the article explores these dynamics in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Although all three norms embody the value of human protection, our findings evidence, first, these norms are not given equal weight, second, they are not mutually

reinforcing, and third, even though counter-terrorism plays a more peripheral role, it has a detrimental impact upon PoC.

Keywords

counter-terrorism – norm clusters – protection of civilians – responsibility to protect – MINUSMA – Mali

The United Nations Security Council (UNSC) passes peacekeeping resolutions that invoke multiple norms including the protection of civilians (PoC), the responsibility to protect (R2P), and counter-terrorism. Historically, academics have predominantly analysed the evolution, robustness, and resilience of norms separately. This has changed in recent years precisely because norms are invoked alongside one another. Studies have emerged on the relationship between PoC and R2P,[1] as well as R2P and counter-terrorism,[2] but as far as the authors are aware, there has been no academic research on the relationship between all three norms. Addressing this lacuna, this article focuses on the relationship between PoC, R2P, and counter-terrorism through a case study of the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

The crisis in Mali – triggered by a Tuareg rebellion in the north in 2012[3] – has deteriorated and in recent years, evolved, and spread to the point that one retired French general described it as a 'descent into hell'.[4] Amidst

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1   Paul D. Williams, 'The R2P, Protection of Civilians, and UN Peacekeeping Operations' in Alex Bellamy and Tim Dunne (eds.), *The Oxford Handbook of the Responsibility to Protect* (Oxford: Oxford University Press, 2016), pp. 524–544; Charles T. Hunt, 'Analyzing the Co-evolution of the Responsibility to Protect and the Protection of Civilians in UN Peace Operations', *International Peacekeeping*, 26(5) 630–659 (2019); Emily P. Rhoads and Jennifer Welsh, 'Close Cousins in Protection: The Evolution of Two Norms', *International Affairs*, 95(3) 597–617 (2019).

2   Jennifer Welsh, 'R2P's Next Ten Years, Deepening and Extending the Consensus' in Alex Bellamy and Tim Dunne (eds.), *The Oxford Handbook of the Responsibility to Protect* (Oxford: Oxford University Press, 2016), pp. 984–1000; Shannon Zimmerman, 'Strange Bedfellows: Terrorism/Counter-terrorism and the Responsibility to Protect' in Charles T. Hunt and Phil Orchard (eds.), *Constructing the Responsibility to Protect: Contestation and Consolidation* (Abingdon: Routledge, 2020), pp. 129–148.

3   For more detail, see Baz Lecocq, Gregory Mann, Bruce Whitehouse, Dida Badi, Lotte Pelckmans, Nadia Belalimat, Bruce Hall, and Wolfram Lacher, 'One Hippopotamus and Eight Blind Analysts: A Multivocal Analysis of the 2012 Political Crisis in the Divided Republic of Mali', *Review of African Political Economy,* 40(137) 343–357 (2013).

4   Signe M. Cold-Ravnkilde and Christine Nissen, 'Schizophrenic Agendas in the EU's External Actions in Mali', *International Affairs*, 96(4) 935–953 (2020), p. 935.

the chaos, the question, 'what does this have to do with norms?' naturally arises. To illustrate this, it is helpful to consider the March 2019 massacre of over 100 civilians in Mali's central Mopti region.[5] Notably, this led to calls for 'the need to better prioritize protection of civilians in MINUSMA's mandate' and high-profile warnings of 'ethnic cleansing', 'atrocity crimes', and 'crimes against humanity'.[6] These statements highlight the role of different norms at play as we see calls to prioritise PoC alongside warnings of the four crimes covered by R2P, which raises questions about the relationship between R2P and PoC.[7] But within Mali, there is an additional level of complexity as MINUSMA operates alongside a number of counter-terrorism forces, including the regional G5-Sahel Joint Force[8] and the French-led Operation Barkhane who conduct offensive operations against jihadist groups which also pose a threat to civilians. France – the 'pen-holder' for the Security Council on MINUSMA – views this as a mutually reinforcing relationship even though this is widely disputed.[9] Indeed, the MINUSMA

5   'More Than 100 Killed Amid Escalating Violence in Mali', *New York Times*, 23 March 2019, https://www.nytimes.com/2019/03/23/world/africa/mali-dozens-killed.html.

6   Jean-Herve Jezequel, 'Central Mali: Putting a Stop to Ethnic Cleansing', International Crisis Group, 25 March 2019, https://www.crisisgroup.org/africa/sahel/mali/centre-du-mali-enrayer-le-nettoyage-ethnique, accessed 11 May 2020; Namie Di Razza, 'Massacre in Mali Demonstrates Need to Prioritize Protection of Civilians in MINUSMA's Mandate', 15 April 2019, https://theglobalobservatory.org/2019/04/massacre-mali-demonstrates-need-prioritize-protection-civilians-minusma/, accessed 15 August 2020. See also Sean Smith and Alison Giffen, 'What Does MINUSMA's Revised Mandate Mean for the Protection of Civilians in Mali? Part 1: Prioritizing Protection Centre for Civilians in Conflict', 26 July 2019, https://civiliansinconflict.org/blog/minusma-revised-mandate-poc-mali/, accessed 28 August 2020.

7   Catherine Jones, 'The Responsibility to Protect or the Protection of Civilians: Which Policy Brand is more "Successful"?' in Aiden Hehir and Robert W. Murray (eds.), *Protecting Human Rights in the 21st Century* (Abingdon: Routledge, 2017), pp. 71–88; Rhoads and Welsh, 'Close Cousins in Protection'.

8   Comprised of troops from Mali, Chad, Niger, Burkina Faso, and Mauritania.

9   Bruno Charbonneau, 'Intervention in Mali: Building Peace between Peacekeeping and Counterterrorism', *Journal of Contemporary African Studies*, 35(4) 415–431 (2017); Bruno Charbonneau, 'The Military Intervention in Mali and Beyond: An Interview', 29 March, 2019, https://www.oxfordresearchgroup.org.uk/blog/the-french-intervention-in-mali-an-interview-with-bruno-charbonneau, accessed 2 September 2019; John Karlsrud, 'Towards UN Counter-terrorism Operations?', *Third World Quarterly*, 38(6) 1215–1231 (2017); John Karlsrud, 'From Liberal Peacebuilding to Stabilization and Counterterrorism', *International Peacekeeping*, 26(1) 1–21 (2019); John Karlsrud, 'UN Peace Operations, Terrorism, and Violent Extremism' in Cedric de Coning and Mateja Peter (eds.), *United Nations Peace Operations in a Changing Global Orde* (Palgrave Macmillan, 2019), pp. 153–168.

mandate refers to coordination not cooperation and the mission does not conduct joint operations with these parallel forces. They do, however, have formal information sharing mechanisms[10] and have been at times co-located – in locations such as Tessalit in the far north of Mali, Barkhane units have been 'housed' inside the MINUSMA camp.[11] This empirical reality asks us to consider the norm dynamics at play as these three norms interact.

The article is structured in four sections. The first section uses the concept of 'norm clusters' to explain the tripartite 'problem-value-behavior' *structure* of PoC, R2P, and counter-terrorism.[12] In so doing, it highlights commonalities and differences between the norms while demonstrating that all three can be viewed as embodying a 'human protection' value which could lead one to conclude that they are naturally reinforcing.[13] Second, it examines the *linkages* between the three norms to highlight issues of complementarity and tension. Utilising Lantis and Wunderlich's understanding of 'norm clusters' as 'collections of aligned, but distinct, norms or principles that relate to a common, overarching issue area; they address different aspects and contain specific normative obligations', we propose that PoC, R2P and counter-terrorism can be viewed as a human protection norm cluster.[14] In other words, the three norms are norm clusters in and of themselves but also form part of a broader human protection norm cluster. With the conceptual foundations laid, the article then turns its attention to the case study of Mali.

Section three highlights that although the three norms are invoked alongside one another, they do not carry equal weight in their implementation. Simply speaking, PoC is at the core of MINUSMA, while counter-terrorism and R2P are peripheral. Fourth, it analyses the interaction between the three norms to reveal a complex dynamic that embodies elements of complementarity and tension. Despite the three norms embodying a human protection

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10   Karlsrud, 'Towards UN Counter-terrorism Operations?', p. 1224.

11   Lisa Sharland and Alexandra Novosseloff, 'Partners and Competitors: Forces Operating in Parallel to UN Peace Operations', (New York: International Peace Institute, 2019). See also Shannon Zimmerman, *Global Governance*, forthcoming.

12   Carla Winston, 'Norm Structure, Diffusion and Evolution: A Conceptual Approach', *European Journal of International Relations,* 24(3) 638–661 (2018), p. 640.

13   Jean-Yves Le Drian, 'Mali: Statement by Mr. Jean-Yves Le Drian, Minister for Europe and Foreign Affairs Security Council', 29 March 2019, https://onu.delegfrance.org/Mali-the-peace-process-has-accelerated-over-the-past-six-months, accessed 16 August 2020.

14   Jeffrey S. Lantis and Carmen Wunderlich, 'Resiliency Dynamics of Norm Clusters: Norm Contestation and International Cooperation', *Review of International Studies*, 44(3) 570–593 (2018), p. 571.

value, we find that the peripheral norm of counter-terrorism has a detrimental impact on the core PoC norm and thus the human protection norm cluster more broadly.

1   Norm Clusters

In what is now commonly known as first wave norm scholarship, academics define norms as 'shared ideas, expectations, and beliefs about appropriate behaviour'.[15] Since this time, second and third wave norm scholarship has arisen as academics debate the stability of norms and their normativity as all norms are open to contestation.[16] Yet first wave definitions remain integral to contemporary norm research.[17] As norm research has developed, researchers have moved beyond studying individual norms to analyse ideas such 'norm clashes',[18] 'norm clusters',[19] 'norm complexity',[20] and 'norm collisions'.[21] We utilise the work on 'norm clusters' to first, explain the internal structure of the three norms prior to second, examining the links between them. In so doing, we utilise two studies on 'norm clusters'. The first is Winston's inward-looking focus on norm clusters in seeking to analyse the internal structure of norms, which is achieved by investigating the 'problem', 'value', and 'behaviour' within different norms.[22] In contrast, Lantis and Wunderlich analyse the interplay between different norms within a 'norm cluster' where the norms are aligned

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15   Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization*, 52(4) 887–917 (1998), p. 894.

16   Antje Wiener, *Contestation and Constitution of Norms in Global International Relations* (Cambridge: Cambridge University Press, 2018).

17   See Adrian Gallagher and Benedict Docherty, 'What Role[s] do Expectations Play in Norm Dynamics?' *International Politics*, (2021) https://doi.org/10.1057/s41311-021-00297-1.

18   Sonia Cardenas, 'Norm Collision: Explaining the Effects of International Human Rights Pressure on State Behaviour', *International Studies Review* 6(2) 213–231 (2004); Andrew P. Cortell and James J. Davis, 'When Norms Clash: International Norms, Domestic Practices, and Japan's Internalisation of the GATT/WTO', *Review of International Studies,* 31(1) 3–25 (2005).

19   Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters'; Winston, 'Norm Structure, Diffusion and Evolution'.

20   Caroline Fehl, 'Bombs, Trials, and Rights: Norm Complexity and the Evolution of Liberal Intervention Practices', *Human Rights Quarterly*, 41(40) 893–915 (2019); Rhoads and Welsh, 'Close Cousins in Protection'.

21   Sassan Gholiagha, Anna Holzscheiter and Andrea Liese, 'Activating Norm Collisions: Interface Conflicts in International Drug Control', *Global Constitutionalism,* 9(2) 290–317 (2020).

22   Winston, 'Norm Structure, Diffusion and Evolution'.

or coupled and may or may not create obligations that coincide.[23] Accordingly, it is important to clarify that while both studies use the same term 'norm cluster', they are in fact very different which begs the question, can these studies be used together?

The two studies on norm clusters do not engage with each other – meaning that two understandings of norm clusters exist with nothing published, as of yet, on how they relate. At times it seems that the two understandings are used interchangeably in the literature.[24] The hope here is that we can add value by beginning to consider how different theorising of norm clusters can in fact be linked and used together in ways that have not previously been attempted. We are of the view that both studies are examples of third wave norm research in that they accept i) the centrality of norms, ii) view norms as embodying a dual quality and, iii) believe that there are linkages between the norms in question. Bearing in mind the only thing that norm scholars tend to agree on is just how complex norm dynamics are, could it not be the case that we have two sets of linkages: a) between the problem-value-behaviour elements in Winston's structure of a norm and b) between the norms which have a 'common, over-arching issue area'.[25] In other words, norms can share a common normative grounding which we see as open to ongoing contestation as neither the structure of norms nor the relationship between them are fixed. The contention of this article is that in order to understand how the three norms interact,[26] one must recognise that the three norms in question all embody a commitment to solving 'the problem' of threats to civilians and 'the value' of human protection.[27] To put this another way, the internal structure of the norms in question helps us understand how they interact.

1.1 The Tripartite Structure of PoC, R2P, and Counter-Terrorism

Winston explains that a norm's core embodies a tripartite structure consisting of a 'problem, a value, and a behavior'.[28] Building on this, Winston proposes the idea of a 'norm cluster' to capture 'multiple combinations of conceptually interlinked but distinct values and behaviors offering multiple

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23   Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters'.

24   Eglantine Staunton and Jason Ralph, 'The Responsibility to Protect Norm Cluster and the Challenge of Atrocity Prevention: An Analysis of the European Union's Strategy in Myanmar', *European Journal of International Relations*, 26(3) 660–686 (2020).

25   Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters', p. 571. We discuss this further below.

26   *ibid*.

27   Winston, 'Norm Structure, Diffusion and Evolution'.

28   *ibid.*, p. 638.

acceptable solutions to similar and interlocking problems'.[29] Putting this into practice, Winston offers visual representations of three different norms clusters: nuclear proliferation treaty, anti-plastic bag, and transitional justice to illustrate that these can have a single and/or multiple problems, values, and behaviours within them. Some norm clusters are simple while others are far more complex. The nuclear proliferation treaty has one problem ('nuclear weapons exist'), one value ('nuclear war is undesirable'), and four behaviours ('no weapon transfer, no weapons development, no acceptance of transferred weapons, and reporting and verification'). Conversely, the transitional justice norm cluster is more complex with four problems ('oppression by democracy, authoritarianism, civil conflict, and grave breaches of international humanitarian law'), six values ('reconciliation, peace, transition/democracy, truth, rule of law, human rights, and accountability'), and five behaviours ('amnesty, commission, lustration, repatriation, and trial').[30]

In a similar vein, we present the 'problem-value-behavior' that form the internal structure of the PoC, R2P, and counter-terrorism norms. Table 1 illustrates the 'problem-value-behavior' internal structure of the PoC norm.

PoC is a complex concept which, in the words of Ralph Mamiya, has 'consistently confounded attempts at concrete definition'.[31] Although protection has a long history within humanitarianism, its relationship with military doctrines came to prominence in 1999 as the Security Council authorised peacekeepers

TABLE 1   Protection of civilians norm

Problem	Value	Behaviour
Violence against civilians	International humanitarian law International human rights law International refugee law Human protection Human security Human dignity	Protection through dialogue and engagement Provision of physical protection Establish a protective environment

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29   *ibid.*
30   *ibid.,* pp. 650–653.
31   Ralph Mamiya, 'History and Conceptual Development of Protection of Civilians' in Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller (eds.), *Protection of Civilians* (Oxford: Oxford University Press, 2016), p. 64.

to protect civilians in Sierra Leone. The *problem* therefore is simple in that PoC addresses violence against civilians, whereas the *value* underpinning the norm is complicated. On one hand, we see appeals to international law embodied in its relationship with 'International Humanitarian Law', 'International Human Rights Law', and 'International Refugee Law'.[32] Yet, as Gordon rightly points out, the evolution of PoC has also seen it grounded on appeals to human security, human dignity, and human protection.[33] From a norm studies perspective, this reinforces critical reassessments which challenge the idea that norms are fixed.[34] We view PoC as having multifaceted and evolving normative underpinnings. Regarding *behaviour*, we draw on the operational parameters set out in the 2020 UN Peacekeeping Handbook on PoC which identifies three tiers, 'tier I: protection through dialogue and engagement', 'tier II: provision of physical protection', and 'tier III: establishment of protective environment'.[35] Despite such guidelines, norm contestation continues as scholars discuss the relationship between PoC and R2P. Table 2 sets out the structure of R2P, with its linkages to PoC being examined in the next section.

The R2P is regarded as a 'complex norm' which is 'particularly susceptible to contestation given its inherently indeterminate nature'.[36] It has also been labelled as a 'complex norm cluster' because of its links with other norms such as democracy, human rights, the rule of law, and conflict prevention to name a few.[37] We are of the view that the R2P is a norm cluster with an internal structure (Winston's understanding of norm clusters) and can still have links with other

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32   Andrew Clapham, 'Protection of Civilians Under International Human Rights Law' in Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller (eds.), *Protection of Civilians* (Oxford: Oxford University Press, 2016), pp. 141–159; Erin Mooney, 'Displacement and the Protection of Civilians Under International Law' in Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller (eds.), *Protection of Civilians* (Oxford: Oxford University Press, 2016), pp. 177–204. Jamie A. Williamson, 'Protection of Civilians Under International Humanitarian Law' in Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller (eds.), *Protection of Civilians* (Oxford: Oxford University Press, 2016), pp. 160–176.

33   Stuart Gordon, 'The Protection of Civilians: An Evolving Paradigm?', *Stability: International Journal of Security and Development*, 2(2) 1–16 (2013).

34   Antje Wiener, 'Enacting Meaning-in-Use: Qualitative Research on Norms and International Relations', *Review of International Studies*, 35(1) 175–193 (2009).

35   UN Department of Peace Operations, *The Protection of Civilians in United Nations Peacekeeping Handbook* (New York: United Nations, 2020), p. 12. Also, UN, 'The Protection of Civilians in United Nations Peacekeeping Policy', Ref. 2019.17, United Nations Department of Peace Operations, New York, 2019.

36   Noha Shawki, 'The Responsibility to Protect: The Evolution of an International Norm', *Global Responsibility to Protect*, 3(2) 172–196 (2011); Jennifer Welsh, 'Norm Contestation and the Responsibility to Protect', *Global Responsibility to Protect,* 5(4) 365–396 (2013), p. 365.

37   Staunton and Ralph, 'The Responsibility to Protect Norm Cluster', pp. 663–666.

TABLE 2   Responsibility to protect norm

Problem	Value	Behaviour
Genocide War crimes Crimes against humanity Ethnic cleansing	Customary international law International humanitarian law 1948 genocide convention 1998 Rome statute Human protection Human rights Universal moral minimalism	Prevent the four crimes (including their incitement) Establish early warning systems Encourage and assist states to fulfil their R2P Use all coercive and non- coercive measures under Chapters VI, VII, and VIII of the UN Charter

norms (Lantis and Wunderlich's understanding of norm clusters) as a 'complex norm cluster' (to use Staunton and Ralph's terminology). Regarding its internal structure, it embodies both domestic and international responsibilities which were captured in the three pillar formulation: Pillar One refers to the domestic responsibility of states to protect their population from the four crimes, Pillar Two refers to the international responsibility to encourage and assist states to fulfil Pillar One, and Pillar Three refers to cases where a state is 'manifestly failing' to fulfil its R2P which permits the Security Council to consider 'timely and decisive response' measures under Chapters VI, VII, and VIII of the UN Charter on a case-by-case basis.[38] Because the R2P covers 'just' four crimes, identifying the *problem* is straightforward as it addresses the threat posed by genocide, war crimes, crimes against humanity, and ethnic cleansing, which are commonly known as 'atrocity crimes'.[39] Grounding R2P's *value* is more challenging. From a legal perspective, it is commonly accepted that R2P did not create any new laws but that the primary responsibility of states (Pillar One) to protect their population from the four crimes is grounded in Customary International Law, while International Humanitarian Law and the 1948 Genocide Convention place a

38   UN General Assembly (UNGA), *Report of the Secretary-General: Implementing the Responsibility to Protect*, A/63/677, 12 January 2009.
39   David Scheffer, 'Atrocity Crimes Framing the Responsibility to Protect' in Richard H. Cooper and Juliette V. Kohler (eds.), *Responsibility to Protect: The Global Moral Compact for the 21st Century* (Basingstoke: Palgrave Macmillan, 2009).

'number of obligations' on states to fulfil their responsibilities of 'encouragement' and 'assistance' under R2P's Pillar Two.[40] Finally, legal frameworks such as the Genocide Convention and the Rome Statute provide the legal grounding for considering more coercive measures. In addition, scholars appeal to the idea that these crimes violate a 'universal moral and legal minimalism' with R2P representing a 'newly legitimate moral minimum of global order'.[41] In so doing, they invoke values of universal moral and legal foundations. While some criticise R2P for adopting an 'atrocity lens' over a 'human rights lens', it is difficult to envisage how one can ground a commitment to preventing mass atrocities without ultimately invoking human rights.[42] At the behavioural level, R2P is broad in scope and we draw here on paragraphs 138 and 139 of the 2005 World Summit Outcome Document.[43]

As will be discussed below, the relationship between PoC and R2P is complex but the reality is that these norms are also increasingly invoked alongside counter-terrorism. Table 3 presents the tripartite structure of the counter-terrorism norm.

TABLE 3   Counter-terrorism norm

Problem	Value	Behaviour
Threat to government Threat to civilians	Sovereign authority Human protection Human rights	Intelligence and risk management State-led counter-terrorism operations International assistance to help governments address the threat posed by terrorism Global coalitions that act with or without consent of the host state

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40 Ruben Reike and Alex J. Bellamy, 'The Responsibility to Protect and International Law', *Global Responsibility to Protect* 2(3) 276–280 (2010); Alex J. Bellamy, 'A Chronic Protection Problem: The DPRK and the Responsibility to Protect', *International Affairs,* 91(2) 225–244 (2015), p. 227.

41 Adrian Gallagher, *Genocide and Its Threat to Contemporary International Order* (Basingstoke: Palgrave, 2013); Michael W. Doyle, 'The Politics of Global Humanitarianism: The Responsibility to Protect before and after Libya', *International Politics,* 53(1) 14–31 (2016), p. 15.

42 Kirsten Ainley, 'From Atrocity Crimes to Human Rights: Expanding the Focus of the Responsibility to Protect', *Global Responsibility to Protect,* 9(3) 243–266 (2017).

43 A/RES/60/1, 24 October 2005, p. 30.

The counter-terrorism norm is built on vague foundations since there is no specific document and/or agreement to draw upon. Zimmerman highlights 19 different legal instruments associated with the prevention of terrorism.[44] Terrorism itself is not fixed and has historically been characterised by four 'waves' – 'Anarchist', 'Nationalist', 'Marxist', 'Religious'; or 'strains' – 'Socialist', 'Nationalist', 'Religious', and 'Exclusionist'.[45] Alongside this, there have been debates over whether terrorism can be 'just', which reflects the underlying ethical considerations that stem from the identification of a terrorist group and the response under the name of counter-terrorism.[46] Returning to Winston's tripartite framework, the *problem* that counter-terrorism seeks to address is terrorism. This is based on a commitment to the moral *value* of sovereign authority served by a wide range of associated national and international *behaviours* with the latter becoming more effective and formalised in the 1980s.[47] However, as Roberts points out, terrorist groups perpetrate human rights violations, and at times, foreign invasions have been justified as a 'means of restoring order or protecting a particular group'.[48] A critical aspect to bear in mind, therefore, is that counter-terrorism also embodies a human protection value and because of this, blurred boundaries arise between all three norm clusters. It is with this in mind that we shift our focus to understanding the linkages and tensions between these three norms at the conceptual level.

2   A Human Protection Norm Cluster

Having established the internal structure of the three norms in question, we turn our attention to Lantis and Wunderlich's understanding of 'norm clusters' as 'collections of aligned, but distinct, norms or principles that relate to a common, overarching issue area; they address different aspects and contain specific normative obligations'.[49] Against this backdrop, we view the overarching

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44   Zimmerman, 'Strange Bedfellows', p. 2.

45   David C. Rapoport, 'The Fourth Wave: September 11 in the History of Terrorism', *Current History*, 100(650) 419–424 (2001); Tom Parker and Nick Sitter, 'The Four Horsemen of Terrorism. It's Not Waves, It's Strains', *Terrorism and Political Violence,* 28(2) 197–216 (2016).

46   Adam Roberts, 'Ethics, Terrorism and Counter-terrorism', *Terrorism and Political Violence,* 1(1) 48–69 (1989); Michael Walzer, *Arguing About War* (London: Yale University Press, [1987] 2004).

47   Rapoport, 'The Fourth Wave', p. 421.

48   Roberts, 'Ethics, Terrorism and Counter-terrorism', p. 58.

49   Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters', p. 571.

'issue area' to be that of human protection within a broader 'international human protection regime'.[50]

At this point the reader may ask: why not keep PoC, R2P, and counter-terrorism as individual norms rather than viewing them as a norm cluster? We use an analogy here to illustrate our position further. In the 1950s, Martin Wight put forward the 'three traditions' of 'realism', 'rationalism', and 'revolutionism' in an attempt to capture the history of Western political thought. As Wight went on to explain, 'the three traditions are not like three railroad tracks running parallel into infinity … the three traditions are streams, with eddies and cross-currents, sometimes interlacing and never for long confined to their own river bed'.[51] Drawing on this logic, we offer three interrelated points to defend our view that the PoC and R2P should be understood as a human protection norm cluster rather than individual norm clusters. The first refers to interwoven emergence. It is striking that when one reads the post-Cold War history of PoC and R2P they are driven by the very same crises: Bosnia, Rwanda, and Kosovo. The norms, therefore, are underpinned by a shared normative history in that they set out logics of appropriate behaviour in response to the same crises. In a slightly different way, R2P and counter-terrorism have also been on similar trajectory since 2001 – the year that the International Commission on Intervention and State Sovereignty (ICISS) report coining the phrase R2P was published and the 9/11 attacks on the United States which gave rise to a whole new counter-terrorism regime at the UN. Second, and linked to this, the conceptual foundations upon which all three norms are built are interrelated as shown by the internal structure of the three norms in question in that they embody 'the value' of human protection as they address 'the problem' of threats to civilians. Third, in upholding a 'third wave' view of norms as processes of contestation it is important to consider that these change over time, and in so doing, will take on different and perhaps increasingly blurred boundaries.[52] Bringing these three points together, it would be naive to suggest that we can separate these norms off from one another as parallel railroad tracks, and instead, we need to better understand the 'eddies and cross-currents' as they sometimes interlace (to use Wight's words).

Let us start with the linkages between R2P and PoC. As Rhoads and Welsh explain, the two norms were initially debated and implemented separately yet

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50   Alex J. Bellamy, 'The Humanisation of Security? Towards an International Human Protection Regime', *European Journal of International Security,* 1(1) 112–133 (2016).

51   Martin Wight, *International Theory: The Three Traditions* (New York: Holmes and Meier, 1992), p. 260.

52   Wiener, *Contestation and Constitution of Norms in Global International Relations.*

have come together in recent years.[53] This is most evident through the UN's peacekeeping operations. Following the broadening of mission mandates in the 1990s, peacekeeping and PoC have increasingly intertwined.[54] As a result, PoC developed from an 'implied goal to a fundamental pillar of mission mandates', appearing in 95 per cent of mandates 1999–2017.[55] Peacekeeping is an important mechanism for implementing PoC since 'no other goal more clearly captures the ethos of what UN peacekeeping should be about than Protection of Civilians'.[56] However, academics have also argued that peacekeeping and R2P are interlinked for a similar reason.[57] The former UN Secretary-General Ban Ki-moon recognised the role of peacekeeping as a tool under R2P's Pillar Two.[58] What we see is a coming together of PoC and R2P in discursive practices[59] as, for example, they are invoked alongside one another in UNSC resolutions. Yet despite ideational interplay between the two norms, questions over whether these norms are on an equal footing remain unanswered and here tensions come to the fore.

To illustrate the tension between PoC and R2P, we draw on two types of norm contestation identified by Lantis and Wunderlich. First, 'conflicts that result from differing understandings of a norm's meaning'.[60] The broad scope of both PoC and R2P creates vague definitional parameters thus fuelling multiple interpretations and points of tension. At times, PoC and R2P are presented as 'sibling norms',[61] 'cousins in protection',[62] or as 'distinct but closely linked'[63]

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53   Rhoads and Welsh, 'Close Cousins in Protection'.

54   Paul D. Williams, 'The Security Council's Peacekeeping Trilemma', *International Affairs,* 96(2) 479–499 (2020), p. 485.

55   David Curran, 'Muddling on Through? Cosmopolitan Peacekeeping and the Protection of Civilians', *International Peacekeeping,* 24(1) 63–85 (2017), p. 68.

56   Cedric de Coning, 'Protection of Civilians: From Generic to Context-Specific' in Mateja Peter (ed.), *United Nations Peace Operations: Aligning Principles and Practice* (Oslo: Norwegian Institute of International Affairs, 2015), p. 25.

57   Charles T. Hunt and Alex J. Bellamy, 'Mainstreaming the Responsibility to Protect in Peace Operations', *Civil Wars*, 13(1) 1–20 (2011), p. 1.

58   UNGA, *Responsibility to Protect: Timely and Decisive Response. Report of the Secretary-General*, A/66/874–S/2012/578, 25 July 2012, p. 5; UNGA, *A Vital and Enduring Commitment: Implementing the Responsibility to Protect. Report of the Secretary-General*, A/69/981–S/2015/500, 13 July 2015, p. 11.

59   Rhoads and Welsh, 'Close Cousins in Protection', p. 598.

60   Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters', pp. 573–574.

61   Ramesh Thakur, 'The Responsibility to Protect at 15', *International Affairs,* 92(2) 415–434 (2016), p. 422.

62   Rhoads and Welsh, 'Close Cousins in Protection', p. 597.

63   Hunt, 'Analyzing the Co-evolution of the Responsibility to Protect and the Protection of Civilians in UN Peace Operations', p. 631.

in that they share a common commitment to human protection,[64] but display key differences.[65] The R2P sets out to protect people from four atrocity crimes whereas PoC is broader in scope.[66] While some have been keen to stress the common ground, others have rejected the idea that these are complementary norms. Tardy argues that 'issue-linkage between them is likely to be counter-productive' as there are differences in the coverage of crimes, methods of protection, and that R2P (particularly Pillar Three) is deemed more controversial than PoC.[67] However, R2P's Pillar Two is less controversial than Pillar Three and embodies operational parameters that facilitate interaction between R2P and PoC through peacekeeping operations,[68] which includes the use of force with the consent of the host state which has relevance for Mali.[69]

Second, we consider 'disputes about the relative weight of a norm'.[70] As UNSC resolutions increasingly invoke PoC and R2P, analysts try to understand what 'work' each norm is doing. If we compare and contrast PoC and R2P, the former holds more accumulative weight having been cited in most UNSC resolutions mandating peacekeeping missions since 1999. Furthermore, PoC is seen as less controversial and more widely accepted at the UN member state level. According to Sheeran and Kent, PoC has been more successful than the R2P in real terms because it has kept a 'low-profile'.[71] Within the R2P literature,

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64   Alex J. Bellamy and Paul D. Williams, 'The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect', *International Affairs*, 87(4) 825–850 (2011), p. 827; Charles Sampford, 'A Tale of Two Norms', in Angus Francis, Vesselin Popovski, and Charles Sampford (eds.), *Norms of Protection: Responsibility to Protect, Protection of Civilians and Their Interaction* (New York: United Nations University Press), p. 105.

65   Vesselin Popovski, 'Siblings, but Not Twins: POC and R2P', 1 November 2011, https://unu.edu/publications/articles/siblings-but-not-twins-poc-and-r2p.html, accessed 27 June 2017.

66   Hugh Breakey, 'The Responsibility to Protect and the Protection of Civilians in Armed Conflict' in Angus Francis, Vesselin Popovski, and Charles Sampford (eds.), *Norms of Protection: Responsibility to Protect, Protection of Civilians and Their Interaction* (New York: United Nations University Press), p. 67; Williams, 'The R2P, Protection of Civilians, and UN Peacekeeping Operations', p. 528.

67   Thierry Tardy, 'The Dangerous Liaisons of the Responsibility to Protect and the Protection of Civilians in Peacekeeping Operations', *Global Responsibility to Protect,* 4(4) 424–448 (2012), p. 424.

68   Charles T. Hunt and Lisa Sharland, 'Implementing the Responsibility to Protect through United Nations Peacekeeping Operations: Opportunities and Challenges', in Cecilia Jacob and Martin Mennecke (eds.), *Implementing the Responsibility to Protect: A Future Agenda* (Abingdon: Routledge, 2019), pp. 215–235.

69   Adrian Gallagher, 'The Promise of Pillar II', *International Affairs*, 91 (6) 1259–1275 (2015), p. 1264.

70   Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters', p. 574.

71   Scott Sheeran and Catherine Kent, 'Protection of Civilians, Responsibility to Protect, and Humanitarian Intervention: Conceptual and Normative Interactions' in Haidi Willmot,

the fact that it has been cited in over 80 UNSC resolutions is often viewed as evidence that the norm has gained traction. According to the Global Centre for the Responsibility to Protect, the norm was cited four times between 2005 and 2011 and 79 times since (including 43 times since January 2016).[72] Indeed, it is widely accepted that R2P 'language has become a broadly accepted practice for UNSC members'.[73] Yet critics have questioned whether these references to R2P represent meaningful engagement.[74] Putting this into context, Harrison found little evidence that R2P made a difference in any of the cases they studied: Darfur, Central African Republic, Kenya, Côte d'Ivoire, and Democratic Republic of Congo (DRC).[75] Pushing beyond these studies, the focus here on Mali offers a new empirical case but also situates R2P within the broader context of three norms.

Moving to counter-terrorism, placing this norm within the human protection norm cluster is controversial. Academics have stressed that as UN Peacekeeping operations have increasingly engaged in war and counter-terrorism they have lost their perception of impartiality, and in so doing, have undermined the objective of human protection.[76] This is not to suggest impartiality is fixed and it is here that our commitment to third wave norm research which views norms as processes comes back to the fore. As Rhoads explains, first wave studies on norms are limited because they fail to understand the changing nature of norms such as 'impartiality' which is shaped by the context in which it operates.[77] Within the context of the DRC, Rhoads argues that the UN has become 'one warring party among many' and it is precisely

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Ralph Mamiya, Scott Sheeran, and Marc Weller (eds.), *Protection of Civilians* (Oxford: Oxford University Press, 2016), p. 61.

72　This was updated on 18 October 2021, see Global Centre for the Responsibility to Protect, UN Security Council Statements Referencing the R2P, https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/.

73　Jess Gifkins, 'R2P in the UN Security Council: Darfur, Libya and Beyond', *Cooperation and Conflict,* 51(2) 148–165 (2015), p. 159.

74　Aidan Hehir, *Hollow Norms and the Responsibility to Protect* (New York: Palgrave Macmillan; 2019).

75　Graham Harrison, 'Onwards and Sidewards? The Curious Case of the Responsibility to Protect and Mass Violence in Africa' *Journal of Intervention and State Building* 10 (2) 143–161 (2015).

76　Karlsrud, 'Towards UN Counter-terrorism Operations?'; Charbonneau, 'The Military Intervention in Mali and Beyond'; Alex J. Bellamy and Charles T. Hunt, 'Twenty-First Century UN Peace Operations: Protection, Force and the Changing Security Environment', *International Affairs* 91(6) 1277–1298 (2015).

77　Emily P. Rhoads, *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations* (Oxford: Oxford University Press, 2016).

this move which critics claim is undermining aspirations of peace.[78] The former UN Special Adviser to the UN Secretary-General on R2P Jennifer Welsh warned that R2P advocates are 'uncomfortable' with its 'close association' with counter-terrorism for fear that a 'security logic' will compromise a 'humanitarian logic'.[79] From an R2P perspective, a textbook case is Sri Lanka in 2009 as 40,000 people were killed while the government framed it as a War on Terror operation.[80] Despite such concerns, Welsh highlights that the 'connection is likely to endure' between R2P and counter-terrorism.[81]

The analysis above helps shed light on this enduring connection because the internal structure of the norms shows that they all embody a commitment to the value of human protection. As a result, and for reasons discussed, they can be viewed as a human protection norm cluster. We accept, however, that this is complicated because PoC and R2P are *primarily* driven by this value whereas counter-terrorism is not. This is why norms such as R2P and counter-terrorism have been described as 'strange bedfellows' which nonetheless have an evolving relationship.[82] As Zimmerman goes on to explain, 'what remains to be seen is how that relationship will play out and whether or not the protection of civilians is given the same effort and attention as initiatives to stop terrorism'.[83] Against this backdrop there is an urgent need to better understand the relationship between PoC, R2P, and counter-terrorism, which is why we now turn our attention to how this has played out in the case of Mali.

3   Evidencing the PoC, R2P, and Counter-Terrorism in Mali

To evidence and analyse the interaction between PoC, R2P, and counter-terrorism in Mali, we first collected each UN resolution on Mali, and reports from the Secretary-General on Mali, and then conducted keyword searches for

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78   *ibid.,* p. 6. See also Charles T. Hunt, 'All Necessary Means to What Ends? The Unintended Consequences of the "Robust Turn" in UN Peace Operations', *International Peacekeeping* 24(1) 108–131 (2017).

79   Welsh, 'R2P's Next Ten Years, Deepening and Extending the Consensus', p. 993.

80   Welsh, 'Norm Contestation and the Responsibility to Protect', p. 386; Kimberly Nackers, 'Sri Lanka' in Alex Bellamy and Tim Dunne (eds.), *The Oxford Handbook of the Responsibility to Protect* (Oxford: Oxford University Press, 2016).

81   Welsh, 'R2P's Next Ten Years, Deepening and Extending the Consensus', p. 993.

82   Zimmerman, 'Strange Bedfellows'.

83   *ibid.,* p. 1.

each norm.[84] From here we examined MINUSMA's mandate in successive UN resolutions from 2013 to 2020 and Secretary-General reports on Mali to identify and analyse the interaction between PoC, R2P, and counter-terrorism. The following sections reveal the results of this analysis with the PoC and R2P being invoked together alongside the importance of countering terrorism in Mali, and in particular, its impact on the pursuit of PoC.

Finding evidence of the PoC norm in Mali is straightforward as the Security Council explicitly mandated MINUSMA 'to protect … civilians under imminent threat of physical violence'.[85] The early mandating resolutions included references to several PoC values and behaviours.[86] Resolution 2164 (2014), for example, outlined the need for justice for violations of international humanitarian law – a core *value* of the PoC norm cluster.[87] The resolution equally mandated MINUSMA to provide physical civilian protection, which includes 'to deter threats', establishing a protective environment by conducting area patrols, and encouraging protection through dialogue and engagement such as supporting 'the implementation of the ceasefire and confidence-building measures on the ground'.[88] Though it has evolved over time to address shifting threats to civilians, PoC language has been a constant in seven subsequent iterations of MINUSMA's mandate from 2013 to 2020. These PoC values and behaviours have also featured regularly in reports of the UN Secretary-General on Mali.[89] MINUSMA for instance helped 'develop an integrated strategy on the protection of civilians', which is action consistent with all three of the behaviours in the PoC norm cluster.[90] In relation to the PoC behaviour of providing physical protection, it is also important to note how since 2016 the Security Council has mandated MINUSMA 'to take robust and active steps to protect civilians',

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84   Keyword searches included 'responsibility to protect', 'terrorism', and the 'protection of civilians' and its variations of 'protect civilians', 'civilian protection', and 'protecting civilians'.

85   UNSC Res. 2100, 25 April 2013, p. 8.

86   UNSC Res. 2164, 25 June 2014, p. 6; UNSC Res. 2227, 29 June 2015, p. 7; UNSC Res. 2295, 29 June 2016, p. 8; UNSC Res. 2364, 29 June 2017, p. 9; UNSC Res. 2423, 28 June 2018, p. 11; UNSC Res. 2480, 28 June 2019, p. 8; UNSC Res. 2351, 29 June 2020, p. 9.

87   UNSC Res. 2164, 25 June 2014, p. 7.

88   *ibid.*, p. 6.

89   S/2013/338, 10 June 2013; S/2013/582, 1 October 2013; S/2014/229, 28 March 2014; S/2014/403, 9 June 2014; S/2014/692, 22 September 2014; S/2014/943, 23 December 2014; S/2015/219, 27 March 2015; S/2016/281, 28 March 2016; S/2016/498, 31 May 2016; S/2016/819, 29 September 2016; S/2017/271, 30 March 2017; S/2017/811, 28 September 2017; S/2018/273, 29 March 2018; S/2018/541, 6 June 2018; S/2019/262, 26 March 2019; S/2019/454, 31 May 2019; S/2020/223, 20 March 2020.

90   UNSC, *Report of the Secretary-General on the Situation in Mali*, S/2014/943, 23 December 2014, p. 8.

which appears to imply greater encouragement of the mission to use force to fulfil the PoC.[91] As the next section argues, this is an important change in the language of MINUSMA's mandate because it provides more latitude for peace-keepers to use force proactively in defence of the mandate, rather than just for their own protection. This in turn places the mission in a position where it may logically be expected to deter threats from terrorist groups and other non-state armed actors.

Grounding R2P in Mali is more complicated than the PoC. Returning to the tripartite structure embodied in the R2P, it is important to consider, first the problem (the four crimes), second the values (international law and human protection), and third the behaviours (international assistance) in the R2P norm cluster. Regarding the crimes, the issue is that R2P embodies a threshold that PoC does not. The High Commissioner for Human Rights Navi Pillay condemned armed groups for 'committing serious human rights violations and *possibly* war crimes'.[92] The statement gives a sense that the violence in Mali was thought to potentially equate to atrocity crimes, but this was still not clear. As Karlsrud explains, in January 2013, the International Criminal Court launched a formal investigation into the situation in Mali, yet on the very same day acknowledged that '[a]t this stage, the information available does not provide a reasonable basis to conclude that crimes against humanity under Article 7 have been committed'.[93] But of course, a crucial element of R2P is the prevention of atrocity crimes and so as the situation deteriorated there seemed to be a general acceptance that the violence amounted to war crimes and/or crimes against humanity. This was explicit in UN Resolution 2227 in 2015 as it strongly condemned the human rights violations, which could be associated with PoC, but went further as it claimed these acts 'may amount to crimes under the Rome Statute'.[94] R2P values were present through the emphasis on the pursuit of justice for 'war crimes and crimes against humanity',[95] in addition to the consistent importance of human protection from mass violence

91   UNSC Res. 2295, 29 June 2016, p. 8; UNSC Res. 2364, 29 June 2017, p. 9; UNSC Res. 2423, 28 June 2018, p. 9; UNSC Res. 2480, 28 June 2019, p. 8; UNSC Res. 2351, 29 June 2020, p. 9.

92   UN News, 'Top UN Official Condemns Amputations, Human Rights Violations in Northern Mali', 17 September 2012, https://news.un.org/en/story/2012/09/419792, accessed 1 September 2020, emphasis added.

93   John Karlsrud, 'Mali' in Alex J. Bellamy and Tim Dunne (eds), The Oxford Handbook of the Responsibility to Protect (Oxford: Oxford University Press, 2016), p.798.

94   UNSC Res. 2227, 29 June 2015. See also, UNSC Res. 2295, 29 June 2016; UNSC Res. 2374, 5 September 2017; UNSC Res. 2423, 28 June 2018; UNSC Res. 2480, 28 June 2019; UNSC Res. 2531, 29 June 2020.

95   UNSC Res. 2480, 28 June 2019, p. 9.

and atrocity crimes in UN resolutions between 2013 and 2020.[96] This appeals
not only to potential violations of the Rome Statute, but also broader interna-
tional humanitarian law, human protection, and human rights, all of which we
define as core R2P values but of course, there is overlap with PoC.

In terms of behaviours, we see common references to both the domestic
responsibility of the Malian government as well as the international respon-
sibility to assist them. The African-led International Support Mission to Mali
(AFISMA) was deployed to 'support the Malian authorities in their primary
responsibility to protect the population'.[97] Similarly, part of Resolution 2100
that launched MINUSMA was assisting the Malian government which has a
'primary responsibility to protect'.[98] Although one could argue that govern-
ments have many responsibilities and the statements here do not reference
the R2P explicitly, to return to the threat of mass atrocities raised by prominent
actors above, it is evident that these references to domestic and international
responsibilities were, in part, driven by fears of mass atrocities. From this per-
spective, the R2P did some of the work in authorising AFISMA and Operation
Serval and thus the spirit of the R2P was evident even though there was no
explicit R2P mandate underpinning MINUSMA despite alleged atrocity crimes
and evolving protection threats from inter-communal violence in the centre of
Mali from 2016 onwards.[99] Between 2015 and 2017, UN resolutions reiterated
the 'primary responsibility of the Malian authorities to protect the population'
but this was not made with reference to the R2P.[100] Between 2018 to 2020, UN
resolutions on Mali were ambiguous in the use of R2P language, particularly
in restating 'that the Malian authorities have primary responsibility to pro-
tect civilians in Mali'.[101] Accordingly, there were no clear attempts to explicitly
invoke R2P with reference to MINUSMA despite there appearing to be perfectly

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96   UNSC Res. 2100, 25 April 2013, p. 8; UNSC Res. 2164; 25 June 2014, p. 7; UNSC Res. 2227, 29
     June 2015, p. 7; UNSC Res. 2295, 29 June 2016, p. 9; UNSC Res. 2364, 29 June 2017, p. 9; UNSC
     Res. 2423, 28 June 2018, p. 12; UNSC Res. 2480, 28 June 2019, p. 9; UNSC Res. 2351, 29 June
     2020, p. 10.
97   UNSC Res. 2085, 20 December 2012, p. 4.
98   UNSC Res. 2100, 25 April 2013, pp. 8–9.
99   Resolutions between 2015 and 2017 reiterated the 'primary responsibility of the Malian
     authorities to protect the population' but this was not made with reference to the R2P, see
     UNSC Res. 2227, 29 June 2015, p. 2; UNSC Res. 2295, 29 June 2016, p. 4; UNSC Res. 2364, 29
     June 2017, p. 5; UNSC Res. 2374, 29 June 2017, p. 5.
100 Between 2018 and 2020, UN resolutions on Mali were ambiguous in the use of R2P
     language, particularly in restating 'that the Malian authorities have primary responsibility
     to protect civilians in Mali', which implies a combination of language on the R2P and PoC.
101 UNSC Res. 2423, 28 June 2018, p. 11; UNSC Res. 2480, 28 June 2019, p. 8; UNSC Res. 2351, 29
     June 2020, p. 9.

logical grounds to do so, which as to be discussed in the next section, highlights the peripheral role that the norm played.

Moving to counter-terrorism, the emergence and consolidation of non-state armed terrorist groups in Mali has generated the problems, values, and behaviours associated with counter-terrorism. Early in the crisis, the rise of jihadist groups in Mali linked to global terrorist networks such as Al Qaeda and Islamic State received notable attention from influential Security Council members such as China and France.[102] In authorising international responses, these powers have placed emphasis on terrorist threats to the government and population (the problem), the need to uphold the sovereign authority of the government (value), and the deployment of a constellation of interventions including MINUSMA and counter-terrorism forces such as Operation Barkhane and the G5-Sahel Joint Force (behaviour).

Despite early successes in pushing back the jihadist fighters, the Malian government with support from international forces has struggled to gain a monopoly of legitimate force over its territory. Jihadist governance including the imposition of strict interpretations of Sharia has returned and prevailed in many parts of the north as the years have passed, marked by an increase in asymmetric attacks since 2018.[103] In addition, terrorist groups have also extended their reach into the central regions of Mali, instrumentalising long-standing herder-farmer disputes over access to land and fuelling increasingly deadly

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102   Li Baodong, 'Statement by Ambassador Li Baodong at the Security Council Ministerial Meeting on the Sahel Region Situation', 12 October 2012, http://chnun.chinamission.org .cn/eng/hyyfy/t997728.htm, accessed 16 August 2020; Liu Jieyi, 'Statement by Ambassador Liu Jieyi at the Security Council Briefing on Situation in the Sahel', 12 December 2013, https://www.fmprc.gov.cn/ce/ceun/eng/chinaandun/securitycouncil/thematicissues/ other_thematicissues/t1109431.htm, accessed 16 August 2020; Gérard Araud, 'The Challenges of the Fight against Terrorism in Africa – Statement by Mr Gérard Araud, Permanent Representative of France to the United Nations', 13 May 2013, https://onu .delegfrance.org/13-May-2013-Security-Council-The, accessed 16 August 2020; Martin Briens, 'Threats to International Peace and Security Caused by Terrorist Acts – Statement by Mr Martin Briens, Deputy Permanent Representative of France to the United Nations', 15 January 2013, https://onu.delegfrance.org/15-January-2013-Security-Council, accessed 16 August 2020; Alexis Lamek, 'Peace and Security in Sahel – Statement by Mr. Alexis Lamek, Deputy Representative of France to the United Nations', 25 November 2015, https://onu .delegfrance.org/France-committed-to-assisting-the-countries-of-the-Sahel-in-addressing- the, accessed 16 August 2020; François Delattre, 'Mali/MINUSMA – Statement by Mr. François Delattre, Permanent Representative of France to the United Nations Security Council', 19 October 2018, https://onu.delegfrance.org/Mali-a-positive-dynamic-but-still- much-progress-that-needs-to-be-made, accessed 16 August 2020.

103   International Crisis Group, 'CrisisWatch: Mali', 2020, https://www.crisisgroup.org/ crisiswatch/print?page=1&location%5B0%5D=26&date_range=cust&t=CrisisWatch+Data base+Filter, accessed 16 August 2020.

clashes and cycles of reprisals.[104] The *problem* of countering violent extremism and jihadist armed groups was fairly clear and has endured.

All the Security Council responses to date can be understood to enshrine the counter-terrorism *value* of defending and buttressing state sovereignty. The logic underpinning MINUSMA, in particular, is supporting the host state in stabilising the situation, including through the extension of state authority and redeployment of the Malians Defence and Security Forces (MDSF) throughout the country.

The UN has been at pains to reiterate that MINUSMA is not a counter-terrorism force and it has not engaged in kinetic offensive operations against jihadist groups. It is nevertheless authorised 'to take active steps to anticipate, deter and effectively respond to threats to the civilian population, notably in the North and Center of Mali ... [and] ... to prevent the return of active armed elements to key population centres and other areas where civilians are at risk, engaging in direct operations pursuant only to serious and credible threats'[105] (presumably including jihadist groups). Furthermore, as mentioned above, MINUSMA is instructed to 'ensure adequate coordination, exchange of information and, when applicable, support, within their respective mandates and through existing mechanisms, between MINUSMA ... the FC-G5S, [and] the French Forces'.[106]

The fact it is also tasked with supporting the host government in terms of stabilisation means there are a number of ways in which MINUSMA can be understood as part of the counter-terrorism constellation in Mali. However, regular attacks resulting in high levels of fatalities have led to the 'bunkerisation' of the mission.[107] This begins to illustrate the highly unstable environment in which

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104   Natasja Rupesinghe, Mikael Hiberg Naghizadeh, and Corentin Cohen, 'Reviewing Jihadist Governance in the Sahel', *NUPI Working Paper, 894* (Oslo: NUPI, 2021). See also Tor A. Benjaminsen and Boubacar Ba, 'Why Do Pastoralists in Mali Join Jihadist Groups? A Political Ecological Explanation', *The Journal of Peasant Studies,* 46(1) 1–20 (2019); Adam Sandor, *Insecurity, the Breakdown of Social Trust, and Armed Actor Governance in Central and Northern Mali'*(Montréal: Centre FrancoPaix de la Chaire Raoul-Dandurand, 2017); Tor A. Benjaminsen and Boubacar Ba, 'Fulani-Dogon Killings in Mali: Farmer-Herder Conflicts as Insurgency and Counterinsurgency', *African Security,* 14(1) 4–26 (2021).

105   S/RES/2480, 28 June 2019, para. 28(c)(ii). NB: Similar formulation included in all mandates since beginning of the mission.

106   S/RES/2480, 28 June 2019, para. 30. NB: Similar formulation included in all mandates since beginning of the mission.

107   Mali has been labelled the 'most dangerous country in the world for UN peacekeepers'. See, for instance, Ruth Maclean and Dan Sabbagh, 'Dangerous, Complex, Vast: UK Troops' Challenges in Mali', *The Guardian*, 8 August 2019, https://www.theguardian.com/

MINUSMA personnel are operating as a result, in part, of the emergence and proliferation of terrorist groups.[108]

4   The Interaction between PoC, R2P, and Counter-Terrorism in Mali

The evidence of PoC, R2P, and counter-terrorism in Mali raises questions over their interaction, influence, and whether they carry equal weight as part of a human protection norm cluster. Let us first consider PoC and R2P. According to MINUSMA's official website, the mission's PoC 'responsibility is understood to be complementary to that of the host government, which has the primary responsibility to protect its own population'.[109] If it is generally accepted that part of this assistance is to protect the population from atrocity crimes, then this could equally be interpreted through an R2P lens under Pillar Two. Similarly, following the escalation of violence against civilians in 2019 a joint statement by the UN's Special Advisers on genocide and R2P called on actors in Mali 'to fulfil their responsibility to protect to prevent atrocity crimes and protect civilians'.[110] While it is plausible to argue that this language demonstrates important overlap between PoC and R2P, this is not acknowledged in these statements.

Some have argued this reflects the reality that these norms (in a human protection norm cluster) are in a co-evolutionary relationship where the implementation of one feeds back on and shapes the other. Given their shared foundations discussed above this is perhaps inevitable.[111] For critics, however, this language reflects the emergence of a 'responsibility to protect civilians'

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uk-news/2019/aug/08/britain-to-join-uns-mission-in-mali-in-effort-to-quell-violence, accessed 16 August 2020.

108   UNSC, *The Situation in Mali: Report of the Secretary-General on the Situation in Mali*, S/2020/952, 29 September 2020.

109   MINUSMA, 'Protection of Civilians', 2020, https://minusma.unmissions.org/en/protection-civilians, accessed 16 August 2020.

110   Office of the Special Representative of the Secretary-General, 'Joint Statement by the UN Special Advisers on the Prevention of Genocide and the R2P. Children and Armed Conflict', 15 October 2019, https://www.un.org/sg/en/content/sg/note-correspondents/2019-10-15/note-correspondents-joint-statement-adama-dieng-united-nations-special-adviser-the-prevention-of-genocide-and-karen-smith-united-nations-special-adviser-the, accessed 16 August 2020.

111   Charles T. Hunt, 'The Responsibility to Protect and the Protection of Civilians in UN Peace Operations: Interaction, Feedback and Co-evolution' in Charles T. Hunt and Paul Orchard (eds.), *Constructing the Responsibility to Protect: Contestation and Consolidation* (Abingdon: Routledge, 2020), pp. 89–112.

that conflates two distinct norms.[112] This exact language is explicit in successive UN resolutions on the crisis in Mali, which first appeared in Resolution 2100 and 'reiterates that the transitional authorities of Mali have primary responsibility to protect civilians in Mali'.[113] To draw on Lantis and Wunderlich, in Mali we therefore see potential 'conflicts that result from different understandings of a norm's meaning'.[114] The result of which are statements such as the responsibility to protect civilians where two distinct protection norms are presented as one. As we argued earlier however, PoC and R2P are distinct. R2P is framed more narrowly according to the four atrocity crimes and three pillars, while PoC is a much broader norm encompassing a wide range of subsequent values and behaviours. Simply assuming that PoC and R2P are two sides of the same coin thus neglects attempts to recognise their distinctiveness.[115]

Alongside the potential tensions between PoC and R2P is the additional contestation regarding 'disputes about the relative weight of a norm'.[116] While PoC has been identified as core to MINUSMA's mandate, there is a lack of explicit references to the R2P in official UN documents beyond Pillar One references in resolutions 2085, 2227, 2295, 2364, and 2375, and one explicit reference to Pillar Two in Resolution 2085.[117] As established, PoC has been a central component of MINUSMA's protection mandate since the mission's inception in 2013. Conversely, aside from the joint statement by the Special Advisers on genocide and R2P, one would be hard pressed to find an explicit reference to R2P in official UN documents beyond UNSC resolutions on Mali. When considering the explicit reference to alleged R2P crimes being committed in Mali, it is notable that little attempt has been made by the UN to apply an R2P lens in framing its response. This in turn conveys the impression that R2P is peripheral in Mali. As we have argued, the allegations of atrocity crimes and the assistance provided by MINUSMA are reflective of R2P's Pillar Two. Yet, in overlooking R2P in Mali, this does not bode well for attempts from the UN and its member states to translate R2P rhetoric into tangible action in relevant crises.

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112 Tardy, 'The Dangerous Liaisons of the Responsibility to Protect and the Protection of Civilians in Peacekeeping Operations', p. 424.

113 UNSC Res. 2100, 25 April 2013, p. 9; UNSC Res. 2164, 25 June 2014, p. 10; UNSC Res. 2227, 29 June 2015, p. 11; UNSC Res. 2295, 29 June 2016, p. 12; UNSC Res. 2364, 29 June 2017, p. 13; UNSC Res. 2423, 28 June 2018, p. 16; UNSC Res. 2480, 28 June 2019, p. 13; UNSC Res. 2351, 29 June 2020, p. 15.

114 Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters', p. 573.

115 Tardy, 'The Dangerous Liaisons of the Responsibility to Protect and the Protection of Civilians in Peacekeeping Operations'.

116 Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters', p. 573.

117 UNSC Res. 2085, 20 December 2012; UNSC Res. 2227, 29 June 2015; UNSC Res. 2295, 29 June 2016; UNSC Res. 2364, 29 June 2017; UNSC Res. 2374, 5 September 2017.

On closer inspection however, even though the R2P is peripheral in Mali, MINUSMA's PoC mandate in some UN resolutions refers to R2P values and behaviours. For example, resolutions 2295, 2364, 2432, 2480, and 2351 refer explicitly to the role of early warning in order to protect civilians, which was identified in section one as being one of the four behaviours in the R2P norm cluster (see Figure 3).[118] In addition, MINUSMA's mandate in these resolutions authorises the use of force under Chapter VII to protect civilians, which is also an important R2P-type behaviour. This is an important finding because it shows how, in spite of the limited references to R2P beyond Pillar One, core behaviours in the R2P norm cluster are being implemented and pursued as part of MINUSMA's mandate. This raises broader questions as to why the PoC appears to have greater weight than R2P in Mali, despite there being clear grounds for the R2P's implementation and evidence of its values and behaviours being cited in MINUSMA's mandate.[119] As suggested in section one, research suggests that R2P has become an important part of the Security Council's discourse – being frequently mentioned in its resolutions.[120] In Mali, however, the PoC is at the core of the human protection response, with the R2P existing indirectly through inclusion of its values and behaviours rather than explicit references beyond Pillar One. R2P's peripheral role thus shows a gap between the proliferation of R2P rhetoric at the UN level and the practice of R2P in human protection crises such as in Mali.

Returning to Lantis and Wunderlich, the evidence of PoC and R2P values and behaviours in Mali demonstrates their overarching concern for human protection and therefore their inclusion in the human protection norm cluster. However, there are also clear differences in the relative weight of each norm and in interpretations of what the norms mean in relation to the situation in Mali. As this section shows, the PoC is at the core of the human protection norm cluster in Mali, while the R2P is peripheral. This is despite references to R2P values and behaviours, but limited direct references to explicit R2P action. This shows that even when norms form a cluster in order to address an overarching concern, these norms do not necessarily play an equal role even when there is evidence of the values and behaviours of different norms being invoked.

The interaction between PoC and R2P is further complicated by their relationship with counter-terrorism. At this point, it is important to reiterate that

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118   UNSC Res. 2295, 29 June 2016; UNSC Res. 2364, 29 June 2017; UNSC Res. 2423, 28 June 2018; UNSC Res. 2480, 28 June 2019; UNSC Res. 2351, 29 June 2020.
119   Gallagher, 'The Promise of Pillar II'; Karlsrud, 'Mali'.
120   Gifkins, 'R2P in the UN Security Council'.

since its inception MINUSMA has been operating alongside counter-terrorism forces, including the French Operation Barkhane and the regional G5-Sahel Joint Force. While the UN Secretary-General acknowledges that MINUSMA does not have 'a counter-terrorism mandate',[121] the missions do 'pool some resources'.[122] Analysts claim that 'it is an open secret that MINUSMA shares intelligence and analysis with the parallel forces deployed in Mali'.[123] It is therefore unsurprising that 'the MINUSMA mandate could be interpreted as giving wide latitude for counterterrorism activities'.[124]

MINUSMA's mandate is also unclear on the relationship with the parallel counter-terrorism forces. One of MINUSMA's responsibilities under Resolution 2295 (2016) is 'to anticipate, deter and *counter threats,* including *asymmetric threats,* and to take *robust and active steps to protect civilians*' and 'engaging in direct operations pursuant only to *serious* and *credible threats*'.[125] What constitutes an asymmetric threat is highly ambiguous and it is plausible to argue that terrorist attacks on peacekeepers and civilians constitute both *asymmetric attacks* and *serious and credible threats*, especially to MINUSMA's mandate to protect civilians. Notably, both MINUSMA and Operation Barkhane have worked together in 'tracking down members of the terrorist networks'.[126] For France, this shows that 'both operationally and logistically, MINUSMA and Operation Barkhane are closely interlinked and mutually reinforcing'.[127]

Our concern is that even if one accepts the view that MINUSMA and Operation Barkhane are mutually reinforcing, this does not necessarily mean that counter-terrorism, PoC, and R2P reinforce one another. Interesting, however, is the extent to which the peripheral norm of counter-terrorism is impacting on the core norm of PoC. This is illustrated through the perceived mutual relationship between parallel enforcement operations targeting jihadist groups (counter-terrorism) and MINUSMA (PoC). A close association with counter-terrorism efforts risks MINUSMA being interpreted by parties to the conflict as being at war, which is said to 'undermine the legitimacy

121   UNSC, *Situation in Mali: Report of the Secretary-General*, S/2019/983, 30 December 2019, p. 17.
122   Yvan Guichaoua, 'The Bitter Harvest of French Interventionism in the Sahel', *International Affairs,* 96(4) 895–911 (2020), p. 899.
123   Charbonneau, 'The Military Intervention in Mali and Beyond'.
124   Karlsrud, 'From Liberal Peacebuilding to Stabilization and Counterterrorism', p. 12.
125   UNSC Res. 2295, 29 June 2016, p. 8, emphasis added.
126   Permanent Mission of France to the UN, 'France Stands by Mali's Side in Fighting Terrorism: The Example of Operation Fildjo in Gao', 19 July 2018, https://onu.delegfrance.org/Fight-Against-Terrorism-in-Mali-the-operation-Fildjo, accessed 16 August 2020.
127   Le Drian, 'Mali'.

of not only MINUSMA itself, but also the tool of peacekeeping'.[128] We share the concern that the loss of impartiality for peacekeepers responsible for implementing PoC makes them a target for terrorist groups. This can be counter-productive in that the importance of impartiality is that the goal of 'UN peacekeepers is to work *with,* not against, the parties to any conflict'.[129] The 2020 UN Peacekeeping Handbook on PoC suggests that peacekeeping missions 'must proceed with caution if the actions of those [counter-terrorism] forces directly or indirectly cause threats or harm to civilians or if association with them [counter-terrorism] affects the populations' perception of the mission'.[130] The UN thus recognises the implications for civilian harm and loss of impartiality if missions implementing PoC develop a relationship with counter-terrorism forces.[131] When viewed as an example of the human protection norm cluster, the crisis in Mali is significant in illustrating how the peripheral norm of counter-terrorism can have a detrimental impact on implementation of the core norm of PoC through the relationship between operations focusing on the two different norms, respectively.[132]

The Mali case thus shows that even though the three norms have been invoked alongside one another, they do not carry equal weight and influence on the response to the crisis. PoC is core to MINUSMA, while counter-terrorism efforts are peripheral, yet still potentially detrimental for the pursuit of PoC given MINUSMA's close links to parallel counter-terrorism forces. In comparison, the R2P's peripheral role in Mali raises questions about UN attempts to translate its rhetoric into action to demonstrate the added value and tangible influence of the norm on the ground. Given its protection focus, R2P would appear more suited to MINUSMA with regards to international assistance, and yet, counter-terrorism is having more of an impact upon the core PoC norm.

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128   Karlsrud, 'Towards UN Counter-terrorism Operations?', p. 1225.

129   Louise R. Andersen, 'The HIPPO in the Room: The Pragmatic Push-back from the UN Peace Bureaucracy against the Militarization of UN Peacekeeping', *International Affairs*, 94(2) 343–361 (2018), p. 351.

130   UN Department of Peace Operations, 'The Protection of Civilians in United Nations Peacekeeping Handbook', p. 19.

131   For elaboration on this argument, see Hunt, 'All Necessary Means to What Ends?'

132   See also L. W. Moe, 'The Dark Side of Institutional Collaboration: How Peacekeeping-Counterterrorism Convergences Weaken the Protection of Civilians in Mali', *International Peacekeeping* 28(1) 1–29 (2021).

5   Conclusion

Mass violence in the 1990s saw the new norms of PoC and R2P emerge to
become part of common human protection discourse at the Security Council.
These norms, in and of themselves, have seen an exponential growth in aca-
demic study which has gone to great lengths to highlight the internal com-
plexities, as well as the commonalities and differences, between them. Amidst
these ongoing debates, mass violence in the twenty-first century has seen
another level of complexity added as PoC and R2P are increasingly invoked
alongside counter-terrorism. As far as the authors are aware, this is the first
study to analyse the relationship between these three norms. To do this, it
utilised two studies on 'norm clusters' which are notably different despite
the fact that they use the same term. Section one drew on Winston's use of
'norm clusters' to explain the internal problem-value-behaviour structure
embodied within the three norms in question.[133] Section two used Lantis and
Wunderlich's understanding of 'norm clusters' to analyse the linkages between
them.[134] Drawing these two together, we argue that because these three norms
embody a commitment to 'the value' of human protection in order to solve 'the
problem' of threats to civilians it helps shed light on why viewing these norms
as separate independent areas of implementation is limited and limiting for
our understanding of what pertains overall and the work being done by each
norm. As a result, we argue these norms should be viewed as a 'human protec-
tion norm cluster'. Whereas some academics and policymakers have called for
these norms to be treated as separate, we draw on Wight to propose that they
cannot be viewed as 'parallel railroad tracks' and instead, we need to better
understand the 'eddies and cross-currents' as they sometimes interlace.

   Situating the human protection norms cluster within the context of Mali,
the research findings show that first, even though the norms are invoked
alongside one another this should not lead one to conclude that they are on
an equal footing. Different norms have had different weight at different points
in time. Counter-terrorism, and to lesser extent the R2P, were more influential
in shaping AFISMA/French interventions. Even in its early stages, MINUSMA
was really about state-support and only rhetorically interested in PoC until
the threats to civilians changed post-2016, which saw PoC become the core
norm. Second, despite these three norms embodying a human protection
value they should not be viewed as mutually reinforcing. Third, even though

133   Winston, 'Norm Structure, Diffusion and Evolution'.
134   Lantis and Wunderlich, 'Resiliency Dynamics of Norm Clusters'.

counter-terrorism plays a more peripheral role, it has a detrimental impact upon PoC. Here we uphold the view that perceptions of peacekeeper partiality makes missions such as MINUSMA a target for terrorist groups which limits their PoC effectiveness.

Going forward, there is a need for more research on the three norms in question and we welcome other case study analysis in the future. Karlsrud foresees that future missions in countries such as Libya, Syria, and Yemen may face the same challenges as MINUSMA, thus creating an urgent need to better understand the norm dynamics at play.[135] At a broader level, norm orientated research needs to consider how different norms within norm clusters impact upon one another. The fact that a norm at the margins can have a detrimental impact upon a norm at the centre needs to be investigated in other contexts as we strive to make sense of the complexities embodied in norm dynamics.

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135   Karlsrud, 'UN Peace Operations, Terrorism, and Violent Extremism', p. 159.