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# Particularized Protection: UNSC Mandates and the Protection of Civilians in Armed Conflict\*

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## Abstract

The protection of civilians at risk in armed conflict has, since the late 1990s, become institutionalized at the United Nations (UN), gaining acceptance as a normative rationale for UN peacekeeping. However, the bulk of civilians in need of protection in armed conflict are unlikely to attain it. The article develops an argument on 'particularized protection' – particularized in that UN Security Council (SC) mandates are formulated and adjusted over time to direct mission protection to specific subsets of civilian populations, that is, those relevant to the UN itself, the host state, other states, NGOs and the media, leaving most local civilians receiving little effective protection. Particularized protection, we argue, is a result of the institutional dynamics involving actors producing mandates – the UNSC – and those providing protection – peacekeeping missions – whereby mandates are specified to direct mission protection to selected, particularized groups. We demonstrate these dynamics in two cases, Côte d'Ivoire and Somalia.

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‘Over time, civilian protection has... become critical not only to the legitimacy... [of] peacekeeping operations but also to the credibility of the entire UN system’.

Brahimi Report (2000)<sup>1</sup>

‘Civilians continue to account for the vast majority of casualties in current conflicts. They are regularly targeted and subject to indiscriminate attacks and other violations’.

UN Secretary-General Report (2013)<sup>2</sup>

‘[I]n only a minority of incidents... involving direct attacks on civilians, including very serious incidents, was any immediate response reported by missions’.

UN Office of Internal Oversight Report (2014)<sup>3</sup>

## **Introduction**

Since the Rwandan genocide, the United Nations (UN) has increasingly been preoccupied with civilian protection. How effectively it responds, or is perceived to having responded, to protect civilians at risk has become a central criterion of legitimacy for the UN today.<sup>4</sup>

The Protection of Civilians in Armed Conflict (POC) as a separate, thematic issue has become a normative foundation for UN protection action. It has been institutionalized at the UN since the late 1990s.<sup>5</sup> ‘Protection of civilians is a strategic objective of peacekeeping, with peacekeeping itself a flagship activity of the [UN]’.<sup>6</sup> By 2014, 13 UN peacekeeping missions had operated under POC mandates, engaging ‘about 97 per cent of uniformed personnel’ currently deployed.<sup>7</sup>

In practice, however, most civilians requiring protection do not receive it. There is a sharp disjuncture between the rhetorical protection extended by the UNSC through its mandates and the extent of protection realized by civilians on the ground.<sup>8</sup> As a recent UN internal report suggests, ‘critical missteps in protecting civilians have occurred in the past and the continuing risk to the reputation of the Organization remains high’.<sup>9</sup>

In general terms, this is not unexpected or surprising. It is the hard reality of ‘impossible mandates’.<sup>10</sup> Resources, human and financial, are always inadequate to meet the multi-layered spectrum of protections civilian populations require. Responses are inevitably delayed, inefficient, and idiosyncratic.<sup>11</sup> However, resource constraints, we argue, are not solely responsible for ineffective protection.

Closer examination of UN peacekeeping missions<sup>12</sup> reveals complex institutional dynamics leading to an outcome, characteristic of most all missions, we label as ‘particularized protection’. Protection efforts are particularized in that over time mandates and mission operations are adjusted to direct protection to specific subsets of civilian populations,<sup>13</sup> that is, those relevant to the UN itself (UN personnel), to the host state (state officials), to other states (foreign nationals), to NGOs (humanitarian workers), and to the media (journalists). The paradoxical result is that local civilian populations (e.g., women and children, refugees and internally displaced persons (IDPs)), whose plight draws initial UN attention and motivates a POC response, in the end actually receive little effective protection.

The dynamics responsible involve the interaction over time between actors mandating protection—the Security Council (SC) (with input from the Secretary General (SG), Troop Contributing Countries (TCCs) and key regional actors)—and those responsible for providing protection—peacekeeping missions (represented by the SG’s Special Representative (SRSG)). Thus, a process is set in motion in which mandates are initially specified, but then subsequently reissued and revised in response to SG recommendations, changing circumstances and mission priorities on the ground. Actual protection by the mission is provided to increasingly selectively defined, particularized groups.

We advance this argument through the following stages. Section II outlines the institutionalization of POC at the UN. Section III develops a typology of particularized protection at mandate and mission levels and articulates our argument on the institutional dynamics of particularized protection. The argument is demonstrated through the analysis of two cases—Côte d’Ivoire and Somalia—in Section IV, followed by a brief conclusion.

### **The UN’s Institutionalization of POC**

The normative foundations of the imperative to protect civilians in war have deep historical roots, reinforced with the development of international humanitarian law (IHL), refugee law and human rights law and the establishment of the International Committee of the Red Cross. The UN Charter and its agencies (e.g., the UN High Commissioner for Refugees (UNHCR), the UN Children’s Fund) all invoke general principles of the responsibility to alleviate human suffering in times of war.

It is following the crises and dramatic failures of the 1990s that POC emerged as a separate, thematic issue for the UN. Faced with a crisis of legitimacy, the UN began to address civilian protection, initially through two SG reports in 1998.<sup>14</sup> The next year the UNSC mandated POC for the first time in Resolution 1270 on Sierra Leone, authorizing UN peacekeepers to ‘afford protection to civilians under imminent threat of physical violence’—this language effectively serving since as the definition of POC.<sup>15</sup>

These initial steps triggered over the next decade and a half a cascading series of SG reports,<sup>16</sup> UNSC resolutions and presidential statements,<sup>17</sup> and General Assembly debates on POC.<sup>18</sup> Various agencies, including the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations (DPKO), have been involved.<sup>19</sup> In effect, the norm of protection of civilians has been institutionalized at the UN.<sup>20</sup> Bellamy and Williams have labeled this trend as ‘the new politics of protection’.<sup>21</sup>

However, the consensus on the priority of civilian protection has not meant the agreement on its definition.<sup>22</sup> POC has been entangled in the UN’s ongoing debates on ‘human security’, ‘humanitarian intervention’, and ‘Responsibility to Protect’ (R2P).<sup>23</sup> It has been specifically distinguished from R2P to avoid controversies surrounding the latter—debates not taken up here.<sup>24</sup>

Of the numerous dimensions of civilian protection, we focus on two—protection offered by the UNSC and peacekeeping missions.<sup>25</sup> The first reflects UNSC decisions to extend protection to civilians caught up in conflict through mandates; the second concerns the provision of protection by UN and UN-authorized peacekeeping missions on the ground.

## Particularized Protection

Despite institutionalization of POC at the UN, the result for civilians has been an historical failure to achieve inclusive and effective civilian protection. Thus, the Brahimi Report in 2000 highlighted that '[t]here are hundreds of thousands of civilians in current United Nations mission areas,' and that 'forces currently deployed could not protect more than a small fraction of them, even if directed to do so'.<sup>26</sup> A decade and a half later a UN evaluation of peacekeeping operations offered 'little room for optimism'.<sup>27</sup> '[C]ivilians continue to suffer violence and displacement in many countries where United Nations missions hold protection of civilians mandates,' it concluded.<sup>28</sup>

While insufficient resources facing missions have been widely regarded as a central impediment to effective civilian protection,<sup>29</sup> we argue that it is only part of the problem. In the following sections we point out that select groups of civilians receive greater attention in mandates and mission operations and develop an institutional argument on who gets protected and how.

### A Typology of Particularized Protection

Our review of UNSC mandates for peacekeeping missions<sup>30</sup> highlights salient differences in terms of the delineation of civilian population subsets and associated responsibilities for their protection. This is summarized in the following typology of particularized protection, which indicates which groups are likely to get protected over the course of the mission.

#### UNSC protection: Mandates

The Security Council establishes the parameters for addressing POC through its formulation and subsequent revisions of mandates for UN and UN-authorized missions. Mandates fall along two dimensions (see Table 1 below). The first concerns overall civilian populations. Mandates may be 'active', where a mission is directly charged, or authorized under Chapter VII to use 'all necessary means to protect [all] civilians under imminent threat of physical violence';<sup>31</sup> or 'non-active', where the UNSC 'calls upon', 'urges' or 'requests' conflict parties to refrain from violence against civilians, giving no direction for specific POC actions.<sup>32</sup> Whereas 'active' POC mandates are directives to translate into mission strategy for protection of civilian populations on the ground, 'non-active' mandates do not yield an expectation for protection at the operational level.

The second dimension of mandates relates to specific population subsets. In many cases, through the invocation of UNSC thematic resolutions,<sup>33</sup> broad categories of civilians are afforded 'declaratory' protection. That is, the UNSC signals attentiveness to a group, but does not direct specific POC actions. For example, Resolution 1479, establishing a UN military liaison group in Côte d'Ivoire (MINUCI), with a 'non-active' mandate, calls for 'special attention' to human rights, especially of women and children 'in accordance with Resolution 1325', but authorizes no direct action on their behalf. These blanket calls for protection are essentially rhetorical, and are motivated by the perceived necessity for the UNSC to be seen to act.

In contrast, the UNSC may explicitly authorize a mission to protect specific groups of interest to stakeholders (e.g., UN personnel, state officials, foreign nationals, humanitarians, journalists), thus mandating what we term 'designated' protection. For

TABLE 1  
MANDATE PROTECTION

Target	Type	Description
Civilian population	Active	UNSC authorizes mission to protect civilians
	Non-active	UNSC does not authorize mission to protect civilians
Specific group(s)	Declaratory	UNSC calls on civilian groups to be protected
	Designated	UNSC authorizes civilian groups to be protected

instance, Resolution 1528, in establishing the UN Operation in Côte d’Ivoire (UNOCI), with an ‘active’ POC mandate, directs it ‘to support, in coordination with the Ivorian authorities, the provision of security for the ministers of the Government’.<sup>34</sup>

Both ‘declaratory’ and ‘designated’ protection may be specified in the initial, establishing mission mandates, but also occur later in the life of a mission. Similarly, overall mandates can change from ‘active’ to ‘non-active’ and vice versa, reflecting the changing circumstances and priorities on the ground and within the UN.

#### Peacekeeping protection: Mission

A fundamental disconnect has developed between expectations, based on mandates, and the actual delivery of civilian protection through peacekeeping operations. On the one hand, there is a broad normative expectation that the UN has a responsibility to protect civilians in violent conflict.<sup>35</sup> This charge was accepted by the UN itself—the Brahimi Report declaring that if UN missions encounter civilians under attack, they have a moral obligation to act and are ‘presumed to be authorized to stop it’.<sup>36</sup>

On the other hand, peacekeeping missions confront daunting challenges. Designed to support post-conflict peace and stability, missions are ill suited to peace enforcement necessitating the use of force to save civilian lives in contexts without host country consent and possibly acting against state forces themselves. ‘The use of force is legally authorized and consistent with the intent of the Security Council and the expectations of civilians,’ a UN internal report confirms, ‘but appears to have been routinely avoided as an option by peacekeeping operations’.<sup>37</sup>

Protection of civilians that UN and UN-authorized missions deliver is, thus, always ‘partial’ with regard to overall civilian populations. That is, only a small fraction of civilian populations at risk can be provided meaningful protection, given resource constraints (see Table 2 below). This conclusion is widely recognized.<sup>38</sup>

We argue, however, that along with ‘partial’ results for overall civilian populations, mission protection is also ‘selective’. That is, either because ‘designated’ protection is directed in the mandate, or because of political, geographic or other contextual considerations, missions look to protect selected population subsets. This specification of civilian groups to be protected over the course of the mission lies at the core of particularized protection.

TABLE 2  
MISSION PROTECTION

Target	Type	Description
Civilian population	Partial	Mission fails to protect overall civilian population
Specific group(s)	Selective	Mission prioritizes and directs its protection to specified civilian groups

### Institutional Dynamics of Particularized Protection

Our preliminary review of selected UN mission experiences<sup>39</sup> indicates a discernible pattern in this politics of particularized protection, a logic that encompasses competing notions of protection and processes of interaction between the headquarters (HQ) (the UNSC with input from the SG, TCCs and key regional actors) and the field (peacekeeping missions represented by SRSGs).<sup>40</sup> Figure 1 (below) depicts a simplified version of the institutional dynamics<sup>41</sup> that produces the result of particularized protection.

#### Stage 1: Initial UNSC mandate

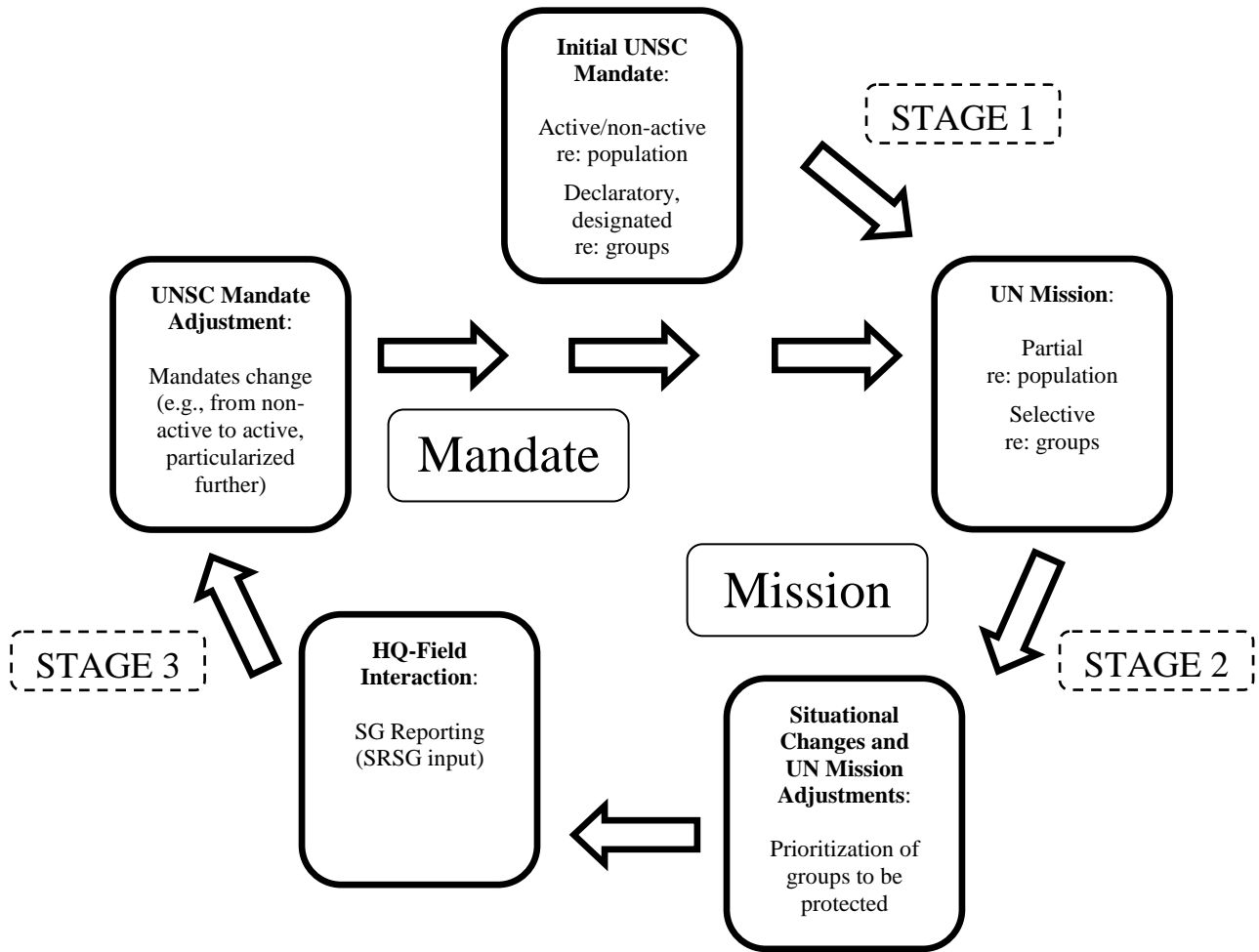
The stage is set by the UNSC’s initial determination of the UN’s role in POC as it considers responding to a specific situation (see Figure 1, Stage 1 below). Considering input from the SG, TCCs and key regional actors, the UNSC may define an ‘active’ or ‘non-active’ mandate regarding the overall civilian population of concern. It can then invoke ‘declaratory’ protection for broad population subsets, such as women and children or IDPs, and ‘designated’ protection for specific groups—usually, in the first instance, UN personnel, state officials and humanitarians.

Critically, mandates are ‘political statements, negotiated texts that give direction to peacekeeping missions, rather than operational documents that lay out the specifics of a mission’s operations’.<sup>42</sup> UNSC members are aware that their failure to respond when civilians are systematically victimized, especially in mass atrocities highlighted through the media, jeopardizes the legitimacy of the UNSC and the UN as a whole.<sup>43</sup> As stated by a UNSC country representative, ‘[m]ore than any other issue, we will be judged by our actions and by our failures to act on protection challenges’.<sup>44</sup> In response, the UNSC has ‘evinced a marked progression towards giving POC an increasingly central role, and in authorizing coercive force under Chapter VII’.<sup>45</sup>

Closer scrutiny, however, reveals what Bellamy and Williams define as ‘the new politics of protection’ are fraught with serious tensions regarding UN responses to conflict.<sup>46</sup> The UNSC sensitivity to be seen to act has fostered a tendency for mandate overreach—what Barnett and Finnemore characterize as ‘a search for symbolic legitimacy rather than efficiency’.<sup>47</sup> That is, the UNSC creates mandates replete with pronouncements on POC and expansive ‘declaratory’ protections not supported by either political will or resources for implementation.<sup>48</sup> Paradoxically, Ban Ki-Moon has characterized this trend to ‘progressively broader mandates’ as a positive development.<sup>49</sup>

The ‘expected’ result, however, as the Brahimi Report states, is failures of the UN ‘occurred because the Security Council and the Member States crafted and supported

FIGURE 1  
 INSTITUTIONAL DYNAMICS OF PARTICULARIZED PROTECTION



ambiguous, inconsistent and under-funded mandates and then stood back and watched as they failed'.<sup>50</sup> Albeit that mandates often contain 'geographical, temporal and capability-based caveats' to limit mission responsibilities and dampen expectations,<sup>51</sup> this has done little to alleviate the 'commitment gap' confronted in the field.<sup>52</sup> 'A general lament is the unrealistic expectations of mandates', the latest High-Level Independent Panel on Peace Operations confirms.<sup>53</sup>

The problem is further complicated by the UN's inability to carry out missions on its own, having to rely on 'voluntary contribution of personnel by Member States' willing and able to mobilize troops to operate in geographical regions and over large territories encompassed in UN missions.<sup>54</sup> As 'no developed country currently contributes troops to the most difficult [missions]', the burden and risk has devolved to the developing world.<sup>55</sup> This is especially problematic given that 'adequate mechanisms for [TCCs] to participate in the formulation of peacekeeping mandates' have not been developed.<sup>56</sup> Moreover, having provided an authorization, the UN cannot ensure mandates are implemented as directed, because 'states often retain control of their national contingents'.<sup>57</sup>



These tensions are intensified by the deepening of fundamental divisions among UN member states over the nature and purpose of UN involvement in conflict situations. States concerned with encroachment on state sovereignty insist on host state consent before UNSC authorization.<sup>58</sup> In some situations, halting atrocities against civilians may require action against state forces, especially for mass atrocity crimes, in the absence of state authority and emergence of ‘spoilers’ whose interests are served by perpetuation of conflict and deliberate targeting of civilians and actors seeking to ease civilian distress. These factors complicate production of mandates and initial mission operations.

## Stage 2: Mission protection

With entrance into the field (see Figure 1, Stage 2 above), the result is ‘partial’ protection for civilians, preordained by the type of the UNSC mandate. Where the UNSC provides a ‘non-active’ mandate, i.e., calls on the parties to not harm civilians without specifying mission actions, and ‘declaratory’ groups are noted, protection will seldom, if ever, be realized through mission planning, resourcing and operations. Where the UNSC provides an ‘active’ POC mandate, authorizing protection for the civilian population, the effect is a mission that lacks, in relative and absolute terms, adequate human and materiel resources to deliver.<sup>59</sup> In other words, ‘no mission can be expected to protect all civilians all the time’.<sup>60</sup> As a result, limited protection, if at all, is provided to those civilians most in need, even where they are noted in mandates.

Instead, mission efforts are generally devoted to population subsets ‘designated’ in UNSC mandates, or those selected by mission commanders based on the circumstances they face.<sup>61</sup> Despite the conditions of complex scarcity and political exigencies, mission commanders must make immediate decisions upon entering the field as to which civilians to protect and which not. Protection, as a result, is ‘selective’. Priority goes to groups seen as integral to the mission—UN personnel, state officials involved in negotiations and humanitarian workers. Other groups of interest to external actors receive remedy as well. Evacuation of foreign nationals is an example.<sup>62</sup>

As the situation on the ground unfolds, the mission’s POC priorities are adjusted. Indeed, threats to local civilians may increase with the mission’s arrival.<sup>63</sup> However, the necessity of defending UN personnel may leave few, if any, resources for POC. As a UN internal report finds, ‘[f]orce was most likely to be used... when troops were engaged in self-defence or defence of United Nations personnel and property’.<sup>64</sup> Faced with such competing priorities, mission commanders, thus, ‘may not view civilian protection as an immediate or central concern... or as an active part of the mandate’.<sup>65</sup>

Furthermore, mission commanders face challenges in deciding how to interpret the notion of ‘imminent threat of physical violence’. There is ‘no unanimity among troop-contributing countries on the definition of what constitutes “imminent threat”’.<sup>66</sup> Absent direct attacks on civilians, determining those under threat is difficult and acting in a preventive manner for all possibilities is beyond mission capacities. Once local civilians are under attack, the need for response is obvious and presumably is to be delivered. Yet, response is subject to geographical and other mandated caveats and rules of engagement, which ‘set the parameters for legitimate protection activities’, including the use of force.<sup>67</sup> These limitations often leave predation on civilians unchecked.

### Stage 3: UNSC mandate adjustment

A pattern of communication and feedback (see Figure 1, Stage 3 above) follows between the mission and SRSGs on the one hand, and the UNSC and the SG on the other. This relationship, realized through SG reporting to the UNSC, keeps the HQ and the field informed of relevant local developments, especially violent incidents, changes to security conditions and negotiations. It is central to UNSC mandate adjustments (e.g., from ‘non-active’ to ‘active’, particularization of further groups) in the mission’s course.

The Secretary General greatly impacts the shaping of mandates by recommending changes to overall mandates and specific groups for protection.<sup>68</sup> As the latest High-Level Independent Panel on Peace Operations confirms, ‘[w]hile the Security Council is ultimately responsible for issuing these decisions, the mandates are usually adopted following specific recommendations provided by the Secretary-General’.<sup>69</sup> Hence, the UNSC adjusts mandates upon considering recommendations drawn from SG reports. For instance, at the overall mandate level, following SG recommendations, the UNSC established MINUCI in Côte d’Ivoire in Resolution 1479, and refrained from authorizing an ‘active’ mandate in Somalia. In terms of specific groups for protection, the inclusion in mandates concerning Côte d’Ivoire of protection of subsets of civilians from peacekeepers accused of sexual abuse, and the addition of protection activities related to arms embargos and piracy concerning Somalia, are exemplary.

In turn, SG recommendations are affected by SRSGs, who play a critical role in the HQ-field relationship.<sup>70</sup> Having broad ‘system-wide responsibilities’ for the functioning of all aspects of a mission, i.e., encompassing all UN and UN-authorized presences in a host country, SRSGs influence mission management, both from the HQ and in the field.<sup>71</sup> Importantly here, ‘[p]ractices from the field, crystallized through the actions of SRSGs, constitute a bottom-up source of influence’ on UNSC decisions.<sup>72</sup> This role proves to be daunting when faced with mandates that are unclear and complex, UN bureaucracies looking to protect their vested interests, and mission commanders with their own senses of priorities.<sup>73</sup>

In sum, the politics of protection is multilayered, complex, and contradictory—only partially because of the limited resources and challenges of peacekeepers on the ground. The protection picture is further complicated by the institutional dynamics, whereby POC mandates are increasingly specified over time. Particularized protection is the result—limited and specific subsets of civilians receive protection; most do not. The sections below demonstrate this argument in two cases, Côte d’Ivoire and Somalia.<sup>74</sup>

#### **Case Studies: Côte d’Ivoire and Somalia**

‘Our ability to protect people is limited. The French are here to look after mainly the French’.

Human Rights Watch (2005)<sup>75</sup>

‘The main driver behind the call for UN peacekeeping was not [POC]..., but rather “protection” of the TFG [Transitional Federal Government], in the sense that security was considered necessary to allow the new government to make progress in the peace process.’

Security Council Report (2010)<sup>76</sup>

The quotes above capture the result of particularized protection experienced in the contrasting cases of Côte d'Ivoire and Somalia in the 2000s respectively. Despite their differences, the two missions follow similar institutional dynamics leading to this result. While the former is a UN mission, with forces under UN command, the latter is a UN-authorized mission, with the African Union (AU) providing manpower and conducting the operations. Whereas Côte d'Ivoire proceeded from an 'active' POC mandate, the mission in Somalia was a 'non-active' mandate at its outset.

As both missions evolved, 'declaratory' and 'designated' groups were added through a pattern of communication and feedback between the HQ and the field. The mandates were increasingly particularized. Attention on the ground was afforded to priority groups, leaving the bulk of civilians at risk with little effective protection. In what follows we outline the institutional cycles of particularized protection (as represented in Figure 1 above) in the two cases.

### *Côte d'Ivoire*

Divided along ethnic, cultural, and religious lines, Côte d'Ivoire saw an escalation of armed conflict over government in the early 2000s, with attempts at a peace agreement interrupted by the recurrence of violence.<sup>77</sup> Initial UN engagement in the situation was an effort to support a peaceful settlement of the conflict between the official government and the rebel forces and halt systematic violence against civilians that was most widespread in the country's West.<sup>78</sup> Over time, UN engagement then shifted between 'active' and 'non-active' mandates depending on the progress in the negotiations (see Table 3 below). Despite continued violence against civilians, priority was given to government officials and UN personnel, especially as they came under attack in the mission's course.

#### *Cycle 1: From 'active' to 'non-active' and back*

The stage in Côte d'Ivoire was set with Resolution 1464 (2003), which gave the Economic Community of West African States (ECOWAS) and France an 'active' POC mandate under Chapter VII, 'designating' UN personnel as a priority group to be protected. As the peace process evolved, Resolution 1479 (2003) established a military liaison group, MINUCI, with a 'non-active' mandate, in hopes that the conflict would be settled by peaceful means.<sup>79</sup>

The result on the ground was 'partial' protection. Unfortunately, the situation deteriorated with the signing of the Linas-Marcoussis Agreement, which 'created a Zone of Confidence between areas in the South controlled by the National Armed Forces of Côte d'Ivoire and areas in the North and West controlled by the Forces Nouvelles'.<sup>80</sup> Demonstrations, ceasefire violations, violence against the Forces Nouvelles Cabinet Ministers, civilians, particularly Liberian refugees and migrant workers, and humanitarian workers spread.<sup>81</sup>

These situational changes prompted further adjustments to the mandate. The SG recommended the establishment of a UN peacekeeping force.<sup>82</sup> Resolution 1528 (2004) put in force UNOCI with an 'active' POC mandate and French forces authorized to 'use all necessary means' to support it. UN and humanitarian personnel and local government officials were 'designated' for protection. Women and children were afforded 'declaratory' protection.

TABLE 3  
PARTICULARIZED PROTECTION IN CÔTE D'IVOIRE

<b>RESOLUTION</b>		1464 (2003)	1479 (2003)	1528 (2004)	1584 (2005); 1603 (2005); 1609 (2005)	1765 (2007)	1933 (2010); 1962 (2010); 1975 (2011)
<b>Mandate Protection</b>	<b>Civilian population</b>	Active	Non-active	Active		Non-active	Active
	<b>Specific group(s)</b>	Designated (IP)	N/A	Designated (IP; G) Declaratory (WC)	Designated (FN)	Declaratory (WC; IDPs)	Declaratory (IHL)
<b>Mission Protection</b>	<b>Civilian population</b>	Partial (PBP)	N/A	Partial (PBP)	Partial (PBP)	Partial (PBP)	Partial (force)
	<b>Specific group(s)</b>	Selective (IP)	N/A	Selective (G)	Selective (G; IP; FN)	Selective (G)	Selective (G)
<b>Situational Changes</b>		Linass-Marcoussis Agreement	Deterioration with Linass-Marcoussis Agreement	French base bombing Abuse by UNOCI	Ouagadougou Peace Agreement	Tensions around elections	
<b>SG Recommendation</b>		Establish military liaison	Establish UN mission	Reassess operations priorities	Refocus from protection to elections	Refocus to civilian protection	

List of abbreviations:

Foreign nationals (FN)

Government officials (G)

Internally displaced persons (IDPs)

International humanitarian law (IHL)

International personnel (IP)

Protection by presence (PBP)

Women and children (WC)

### Cycle 2: The crisis of protection

Despite changes to the mandate, as peacekeepers deployed, 'partial' protection was the result on the ground. UNOCI's interpretation and choice of protection tools, i.e., protection by deterrent presence, established through periodic patrols and guard duties, left most civilians vulnerable.<sup>83</sup> Casualties resulted from demonstrations, ceasefire violations and military operations. In March 2004 demonstrators clashed with the Ivorian security forces.<sup>84</sup> In April peacekeepers assisted state forces in preventing further violence.<sup>85</sup> However, violence, especially against foreign nationals, continued. As the SG concluded, 'the United Nations cannot impose, let alone enforce, peace on the Ivorian people, nor can it protect them from themselves'.<sup>86</sup>

Protection was also ‘selective’. Forces Nouvelles Ministers, ‘designated’ in the mandate, were the focus of protection.<sup>87</sup> Moreover, threats against peacekeepers increased.<sup>88</sup> After the bombing on 6 November of a French base the mission prioritized foreign nationals and personnel for protection.<sup>89</sup> Evacuation of foreign nationals, particularly French, followed.<sup>90</sup> Additional troops were sent to protect UNOCI personnel.<sup>91</sup>

Added to these ‘partial’ and ‘selective’ results, UNOCI itself was involved in violence against civilians. Information on sexual exploitation and abuse by UNOCI emerged over the period.<sup>92</sup> As Bellamy and Williams put it, ‘[d]espite its robust mandate, UNOCI proved unable to prevent Gbagbo’s forces from attacking the Forces Nouvelles in late 2004 or to protect civilians from periodic abuses. Indeed, some of its personnel were themselves accused of sexually abusing and exploiting the locals’.<sup>93</sup>

The crisis ‘brought into focus UNOCI’s responsibilities regarding the protection of civilians’ and prompted the UNSC to reiterate the importance of protecting personnel and ‘designate’ protection to a new group—foreign nationals.<sup>94</sup> Resolutions 1572 (2004) imposing an arms embargo and 1584 (2005) authorizing UNOCI to monitor it specified these additions. Furthermore, Resolution 1603 (2005), which endorsed the Pretoria peace Agreement, expressed grave concern with the misconduct of the troops and added ‘declaratory’ protection for women.

Given these developments, the SG requested the UNSC to approve additional resources and reassess UNOCI’s operational priorities so as to place personnel security as a top priority, but also monitor the ceasefire and arms embargo.<sup>95</sup> The UNSC extended the mandate accordingly in Resolution 1609 (2005). Regarding POC, it repeated the language of Resolution 1528 (2004) and did not invite changes on the ground.

Hence, UNOCI continued to conduct patrols as a means to protect civilians. Yet, attacks against civilians and ceasefire violations persisted. Protection of the overall civilian population, as a result, remained ‘partial’. ‘Selective’ protection continued to be afforded to UN personnel and government officials.<sup>96</sup>

### Cycle 3: Mandate reorientation and particularized protection

In a new institutional cycle starting with the Ouagadougou Peace Agreement of 4 March 2007, UNOCI saw a reorientation of its POC mandate. The SG advised the UNSC to refocus from civilian protection to elections support and agreement implementation, as reflected in Resolution 1765 (2007).<sup>97</sup> To include civilian protection concerns, this and further resolutions made ‘declaratory’ calls to protect vulnerable civilian populations, including women and children and IDPs.<sup>98</sup> In addition, the UNSC requested UNOCI to continue to contribute to the promotion of human rights.<sup>99</sup>

On the ground, UNOCI continued to provide ‘selective’ protection to government officials and conducted patrols throughout the country. As the SG summed up, UNOCI’s ‘new concept of operations... provide[d] for a shift from the previous static deployment... to a configuration that enable[d] the force to be more mobile and to cover the entire territory of Côte d’Ivoire... to help the national security forces to provide a secure environment for the re-establishment of State authority’.<sup>100</sup>

However, tensions around elections began to rise, resulting in increasing civilian casualties. As a result, the UNSC reestablished an ‘active’ POC mandate in Resolution 1933 (2010). ‘Declaratory’ calls to the Ivorian parties were also made. Resolution 1962 (2010) reiterated the importance for UNOCI ‘to implement its [POC] mandate’.<sup>101</sup> With the escalation of violence following the November 2010 presidential elections crisis, the UNSC authorized UNOCI in Resolution 1975 (2011) to ‘use all necessary means’ to protect civilians, including by ‘prevent[ing] the use of heavy weapons against the civilian population’.<sup>102</sup> The UNSC recognized Alassane Ouattara, related to the Forces Nouvelles, as president, condemning his opponent Laurent Gbagbo’s refusal to negotiate.

Peacekeepers, thus, got involved in the Ivorian war in Ouattarra’s favor. Their use of force in early 2011 was ‘[t]he most obvious and dramatic way in which... [the] protection mandate’ was pursued.<sup>103</sup> They attacked military camps and destroyed heavy weapons and weapons stockpiles, pushing Gbagbo out. The result, as could be expected, was particularized protection. Protection for civilian population was ‘partial’. Peacekeepers ‘failed to protect civilians—especially those loyal to Gbagbo’.<sup>104</sup> It was also ‘selective’, as the mission focused on the protection of Ouattarra and his loyalists.

In sum, as the mission in Côte d’Ivoire moved between ‘active’ and ‘non-active’ mandates over the three institutional cycles. ‘Partial’ protection, mainly by use of patrols, was afforded to the overall civilian population. As the mission evolved, with the changing circumstances on the ground and corresponding mandate adjustments, specific groups were ‘designated’ in mandates and ‘selected’ for protection by the mission.

## Somalia

A similar pattern of particularized protection characterized Somalia. Whereas the UN (UN Operation in Somalia I and II) and UN-authorized (US-led United Task Force) intervention in the 1990s was motivated by civilian protection concerns, as Somalia was torn by the armed conflict, state collapse and humanitarian crisis,<sup>105</sup> the core issues in the 2000s included piracy, terrorism and regional concerns. Multiple armed groups continued to operate in the country, targeting civilians and humanitarian convoys.<sup>106</sup> In addressing protection, the UNSC, thus, focused on safe access for humanitarian assistance. The UN-authorized AU Mission to Somalia (AMISOM) began in 2007 with a ‘non-active’ mandate, as noted in Table 4 (below). ‘Declaratory’ and ‘designated’ groups were specified in resolutions, but no broad-based protection for civilians was authorized.

As the situation evolved, with the SG pointing to developments that put additional civilian groups at risk, the UNSC added their protection to the mandate. While in 2011 the mandate became ‘active’, the result on the ground remained ‘partial’ and ‘selective’ protection. Peacekeepers prioritized protection for those groups designated in mandates and according to the mission’s interpretation of needs and available resources. ‘Partial’ protection, if at all, was afforded to the overall civilian population.

### *Cycle 1: ‘Non-active’ mandate*

Despite the dire conditions for civilians, a ‘non-active’ AMISOM was launched by Resolution 1744 (2007) to support the peace process, protect Transitional Federal Institutions (TFIs), especially the Government (TFG), and AU personnel and contribute to the creation of necessary security conditions for humanitarian access. As in Côte d’Ivoire, state officials and AU personnel were the ‘designated’ groups to be protected.

TABLE 4  
PARTICULARIZED PROTECTION IN SOMALIA

<b>RESOLUTION</b>		1744 (2007)	1772 (2007)	1910 (2010)	2010 (2011)	2073 (2012)
<b>Mandate Protection</b>	<b>Civilian population</b>	Non-active			‘Active’	Non-active
	<b>Specific group(s)</b>	Designated (IP; G)	Designated (H) Declaratory (WC)	Declaratory (H; J; WC)	Declaratory (H; WC)	Designated (IP; G)
<b>Mission Protection</b>	<b>Civilian population</b>	Partial (force)	Partial (force)	Partial (force)	Partial (force)	Partial (force)
	<b>Specific group(s)</b>	Selective (G)	Selective (G; H)	Selective (G; H)	Selective (G; H)	Selective (G)
<b>Situational Changes/ Mission Adjustments</b>		Abuse by AMISOM Piracy	Deteriorating humanitarian situation	Civilian targeting Al Shabaab	Al Shabaab (targeting journalists, H; hostages)	
<b>SG Recommendation</b>		Against POC mandate	Against POC mandate	Review AMISOM mandate	Civilian casualties emphasized	

List of abbreviations:

Foreign nationals (FN)

Government officials (G)

Humanitarian workers (H)

Internally displaced persons (IDPs)

International humanitarian law (IHL)

International personnel (IP)

Journalists (J)

Women and children (WC)

The mandate ‘left very few options for protecting civilians’.<sup>107</sup> On the ground, AMISOM was fighting on the TFG’s side, which meant that POC was outside of its scope.<sup>108</sup> Moreover, as UNOCI, in the course of fighting AMISOM itself was engaged in violence against civilians. Its ‘indiscriminate use of force... left many civilians dead or wounded’.<sup>109</sup>

Resolution 1772 (2007) reaffirmed prior UNSC resolutions on POC, women, and children. It stressed that protection of these groups was a responsibility of all parties in Somalia and called on them to ensure safety and access for AMISOM and humanitarians. These ‘declaratory’ calls were made in almost all future resolutions, but ‘ha[d] little effect... [V]iolence in Somalia escalated sharply’.<sup>110</sup>

Despite the apparent need for establishment of a multinational UN peacekeeping force with an ‘active’ civilian protection mandate, the SG advised against it.<sup>111</sup> There was neither the political will nor the resources necessary to establish such a force. Instead, the Human Rights Unit of the UN Political Office for Somalia was established by Resolution 1814 (2008) to strengthen AMISOM’s human rights programme.

#### Cycle 2: ‘Designated’ protection

As in Côte d’Ivoire, specific developments on the ground prompted the UNSC to further particularize the mandate. Once piracy became rampant, the UNSC requested, first in Resolution 1772 (2007), steps to protect merchant ships, especially those carrying humanitarian aid.<sup>112</sup> This new ‘designated’ group immediately received protection from interested parties, such as the European Union (EU).<sup>113</sup> Resolution 1844 (2008) included obstruction of humanitarian aid among the designation criteria for targeted sanctions.

Resolution 1863 (2009) summed up the UNSC’s approach to Somalia. It listed the groups ‘designated’ for protection to date: TFG officials involved in the negotiations, AU personnel, humanitarian workers, and merchant ships delivering aid. It as well advanced a ‘declaratory’ call to protect Somali civilians consistent with IHL, human rights and refugee law.

Actors on the ground reflected this mandate in their ‘selective’ protection efforts. ‘AMISOM troops... [were] engaged in active combat..., as their mandate require[d] them to protect institutions of the [TFG]’.<sup>114</sup> The EU, among others, worked to combat piracy and provide humanitarian access, while the humanitarian situation deteriorated.<sup>115</sup>

#### Cycle 3: From ‘non-active’ to ‘active’ and back

2010 marked a critical change in the UNSC’s outlook on Somalia. As a result of the worsening humanitarian situation, the UNSC strengthened POC language in Resolution 1910 (2010). It condemned obstruction of humanitarian aid, targeting of journalists and humanitarians, and violations of human rights and IHL, ‘stress[ed] the responsibility of all parties... to protect civilians, including women and children’, and ‘call[ed] on all parties... to ensure the safety and security of humanitarian personnel’.<sup>116</sup>

However, these ‘declaratory’ steps did not translate into an improved situation on the ground. Al Shabaab’s increased violent opposition became a critical issue as it halted the operations of the World Food Programme.<sup>117</sup> Targeted sanctions produced little result. Indeed, ‘[n]o specific targets... were agreed until April 2010 and even then only one of the nine designations related to humanitarian concerns’.<sup>118</sup> Furthermore, civilian deaths in fighting reached ‘alarming levels’.<sup>119</sup> ‘[M]any child casualties [were] caused by the shelling of civilian areas and indiscriminate return fire by Government and AMISOM’.<sup>120</sup>

In response, AMISOM mainstreamed the AU protection Guidelines and recruited civilian staff to update its POC strategy.<sup>121</sup> The UNSC ‘[w]elcome[d] the progress made by AMISOM in reducing civilian casualties’ in Resolution 2010 (2011).<sup>122</sup> Although the language was only suggestive, this was the first resolution on Somalia in the 2000s with an ‘active’ POC mandate, reiterated in future resolutions.<sup>123</sup>

Apart from the progress made in reducing AMISOM-induced casualties, however, the situation on the ground remained unchanged. Civilian casualties continued from the



fighting.<sup>124</sup> Al Shabaab maintained its activities, began targeting journalists and human rights defenders, among other humanitarian actors, and engaged in hostage taking.<sup>125</sup>

The complexity and continued frustration of efforts to protect civilians prompted the UNSC to drop the mission's POC mandate and once again focus on the 'designated' groups. Thus, Resolution 2073 (2012) brought the mandate full circle to focus on government officials involved in the peace process and AU personnel 'designated' in the initial Resolution 1744 (2007).

Despite the differences in the nature of the mandate and mission, the outcome, as in Côte d'Ivoire, was 'partial' and 'selective' protection. AMISOM 'could not be expected to provide protection to the civilian population at risk while simultaneously engaging in ongoing offensive operations... [and] even if [it] were to be provided with a civilian protection mandate it would not have the necessary resources to implement such a mandate'.<sup>126</sup> The cases demonstrated that 'there are clear limits to what the Council can do in terms of actually having an impact on the ground... [and] how easily Council focus can be diverted..., to forget to consistently and effectively address issues of particular relevance to the protection of civilians agenda'.<sup>127</sup>

## **Conclusion**

That the UN has institutionalized its normative obligation to protect civilians at risk in armed conflict is no longer a subject of debate. Instead, attention has increasingly focused on when and how the UN has sought to provide protection. This article advanced the argument that UN missions designed to address the plight of civilians largely fail to extend protection to other than particularized subsets of the larger civilian population.

This result of particularized protection is brought about by the complex institutional dynamics involving actors producing mandates and those providing protection on the ground. Through their iterative relationship, with the UNSC seeking to manage the politics of protection, and missions struggling to cope with changing conditions on the ground, mandates and mission operations are adjusted over time to direct protection to specific subsets of civilian populations, leaving most local civilians with little effective protection.

This argument has implications for both academics and practitioners. It goes beyond laying blame for the failures of civilian protection on the mission-capability gap of insufficient personnel and material resources. Instead, it focuses attention on the underlying institutional dynamics involved in the operation of the UNSC, which seeks to sustain its legitimacy in the international community by calling for protection of civilians, albeit often limited to declaratory statements. Operationalization of mandates inevitably introduces hard realities, namely that an overarching goal of peace operations is to end conflict, thus prioritizing protection of UN mission personnel and relevant officials. Humanitarians, journalists, and medical personnel, in essence, groups from and of interest to external actors also receive attention. Further study of the operational logic of the UNSC, beyond narratives of individual missions, and of the direction and influence of SG is called for.<sup>128</sup> For instance, such investigations would extend the scope of recent work by Barnett and Finnemore on UNHCR to focus on the UNSC.

By focusing attention on the institutional complexities of civilian protection, this article adds an important nuance to the ongoing studies of UN peacekeeping reform. As

the latest High-Level Independent Panel on Peace Operations suggests, ‘UN Peace Operations are more complex and robust than ever with mandates ranging from protecting civilian populations and preventing ethnic conflict to stabilization operations and facing down anti-government and extremist groups’.<sup>129</sup> This article acknowledges this challenging peacekeeping environment, where peacekeepers are expected to carry out multi-dimensional tasks, and daunting civilian protection efforts. It points to the necessity of considering the differing incentives and constraints involved across the range of relevant actors—the UNSC, the Secretariat, the SG, UN personnel, mission commanders, external actors (e.g. humanitarians and journalists), local officials, and civilian populations—and across the difficult, changing conditions of a mission. The establishment of an initial mandate is only the first step in a process of refinement and reorientation that results in the particularized protection of only a small fraction of the civilians at risk.

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- <sup>1</sup> UN, 'Report of the Panel on United Nations Peace Operations', UN doc., A/55/305-S/2000/809, 2000, p.5.
- <sup>2</sup> UN, 'Report of the Secretary-General on the protection of civilians in armed conflict', UN doc., S/2013/689, 2013, para.8.
- <sup>3</sup> UN, 'Evaluation of the implementation and results of protection of civilians mandates in United Nations peacekeeping operations', UN doc., A/68/787, 2014, para.18.
- <sup>4</sup> See, for example, Paul D. Williams, 'Enhancing Civilian Protection in Peace Operations: Insights from Africa', Research Paper 1, Washington, DC: National Defense University Press, Africa Center for Strategic Studies, 2010; Alison Giffen, 'Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks Against Civilians', Workshop Report, Washington, DC: Stimson Center, 2010; Julie Reynaert, 'MONUC/MONUSCO and Civilian Protection in the Kivus', IPIS, 2011. See also Michael N. Barnett and Thomas G. Weiss, *Humanitarianism in Question: Politics, Power, Ethics*, Ithaca, NY: Cornell University Press, 2008.
- <sup>5</sup> General UNSC resolutions on POC include Resolutions 1265 (1999), 1296 (2000), 1674 (2006), and 1738 (2006). POC was implemented for the first time in Resolution 1270 (1999) on Sierra Leone (UN, Review of the Reporting by United Nations Peacekeeping Missions on the Protection of Civilians', UN doc., A/67/795, 2013, para.11).
- <sup>6</sup> UN (see n.3 above), para.3.
- <sup>7</sup> UN (see n.3 above), para.5.
- <sup>8</sup> Max Kelly with Alison Giffen, 'Military Planning to Protect Civilians: Proposed Guidance for United Nations Peacekeeping Operations', Washington, DC: Stimson Center, Project of the Future of Peace Operations Program, 2011, p.13.
- <sup>9</sup> UN (see n.3 above), para.3.
- <sup>10</sup> Victoria K. Holt and Tobias C. Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations*, Washington, DC: Stimson Center, 2006.
- <sup>11</sup> See, for example, Nigel D. White, 'Empowering Peace Operations to Protect Civilians: Form over Substance?', *Journal of International Peacekeeping*, Vol.13, No.3/4, 2009, pp.327-55; Joshua Marks, 'The Pitfalls of Action and Inaction: Civilian Protection in MONUC's Peacekeeping Operations', *African Security Review*, Vol.16, No.3, 2007, pp.67-80.
- <sup>12</sup> We surveyed the UN document database ([www.un.org/en/documents](http://www.un.org/en/documents)) to identify and review all 28 cases with mention of civilian protection in UNSC Resolutions since 1999 (list available upon request; see also Holt and Berkman (see n.11 above), Table 5-1, p.87). Earlier cases were excluded as the UNSC 'did not explicitly direct peacekeepers to "protect civilians"... in mandates prior to 1999' (Holt and Berkman (see n.11 above), p.201).
- <sup>13</sup> While we recognize challenges in distinguishing civilians from combatants in situations of armed conflict (Williams (see n.5. above), pp.14-5), we define 'civilians' broadly as 'persons who have not taken, or are no longer taking, a direct part in hostilities' (Haidi Willmot and Scott Sheeran, 'The Protection of Civilians Mandate in UN Peacekeeping Operations: Reconciling Protection Concepts and Practices', *International Review of the Red Cross*, Vol.95, No.891/892, 2013, p.525. See also Anicee van Engeland, *Civilian or Combatant? A Challenge for the Twenty-First Century*, Oxford: Oxford University Press, 2011). We differentiate between groups of civilians (e.g. women and children, IDPs, state officials, foreign nationals, humanitarian workers, and journalists) and view 'UN peacekeepers as more analogous to civilians or non-combatants than to a party to the armed conflict' (Willmot and Sheeran, 2013, p.526).
- <sup>14</sup> See UN, 'The causes of conflict and the promotion of durable peace and sustainable development in Africa. Report of the Secretary-General', UN doc., A/52/871-S/1998/318, 1998; UN, 'Report of the Secretary-General on Protection for Humanitarian Assistance to Refugees and Others in Conflict Situations', UN doc., S/1998/883, 1998; UN, 'Statement by the President of the Security Council', UN doc., S/PRST/1999/6, 1999.

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- <sup>15</sup> UNSC Resolution 1270 (1999). See also UN, ‘Review of the reporting by United Nations peacekeeping missions on the protection of civilians’, UN doc., A/67/795, 2013, para.11. The DPKO defines POC more broadly ‘as a “whole-of-mission” effort under three tiers: protection through political process, protection from physical violence, and establishing a protective environment’ (UN (see n.3 above), para.6). We focus on the second tier—protection of civilians from physical violence.
- <sup>16</sup> UN, ‘Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict’, UN doc., S/1999/957, 1999. See also UN, ‘Reports of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict’, UN docs, S/2001/331, 2001; S/2002/1300, 2002; S/2004/431, 2004; S/2005/740, 2005; S/2007/643, 2007.
- <sup>17</sup> UNSC Resolutions 1265 (1999) and 1296 (2000) concerning POC generally; 1325 (2000) concerning women and children; 1502 (2003) concerning violence against UN, associated, and humanitarian personnel; 1674 (2006) recognizing the role of regional organizations; 1738 (2006) condemning attacks against journalists. A recent presidential statement on POC is UN, ‘Statement by the President of the Security Council’, UN doc., S/PRST/2014/3, 2014.
- <sup>18</sup> Security Council Report (SCR), UN Documents for Protection of Civilians, 2012, (at: [www.securitycouncilreport.org/un-documents/protection-of-civilians](http://www.securitycouncilreport.org/un-documents/protection-of-civilians)).
- <sup>19</sup> UN, ‘Statement by the President of the Security Council’, UN doc., S/PRST/2010/25, 2010; UNDPKO/Department of Field Support, ‘Draft DPKO/DFS Operational Concept on the Protection of Civilians in UN Peacekeeping Operations’, 2010.
- <sup>20</sup> We follow Betts and Orchard in defining institutionalization as “the way in which norms emerge at the international level and become reflected in international law and organizations” (Alexander Betts and Phil Orchard, ‘Introduction: The Normative Institutionalization-Implementation Gap’, in Alexander Betts and Phil Orchard (eds), *Implementation in World Politics: How International Norms Change Practice*, Oxford: Oxford University Press, 2014, p. 1). For institutionalization of POC at the UN, see Emily Paddon, ‘Peacekeeping in the Congo: Implementation of the Protection of Civilians Norm’, in Alexander Betts and Phil Orchard (eds), *Implementation in World Politics: How International Norms Change Practice*, Oxford: Oxford University Press, 2014, pp.160-76. For an alternative account of the development of the concept, see Anne Orford, ‘Who Decides? Who Interprets?: Jurisdiction, Recognition and the Institutionalisation of Protection’, in *International Authority and the Responsibility to Protect*, Cambridge: Cambridge University Press, 2010, pp.139-88.
- <sup>21</sup> Alex J. Bellamy and Paul D. Williams, ‘The New Politics of Protection? Côte d’Ivoire, Libya, and the Responsibility to Protect’, *International Affairs*, Vol.87, No.4, 2011, p.826.
- <sup>22</sup> Holt and Berkman (see n.11 above); Victoria Holt and Glyn Taylor with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, New York: DPKO United Nations, 2009.
- <sup>23</sup> UN, ‘Responsibility while Protecting: Elements for the Development and Promotion of a Concept. Annex to the Letter Dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations Addressed to the Secretary-General’, UN doc., A/66/551-S/2011/701, 2011.
- <sup>24</sup> Angus Francis, Vesselin Popovski, and Charles Sampford, *Norms of Protection: Responsibility to Protect, Protection of Civilians, and Their Interaction*, New York: United Nations University Press, 2012; Global Centre for the Responsibility to Protect, ‘The Relationship between the Responsibility to Protect and the Protection of Civilians in Armed Conflict’, Policy Brief, 2009.
- <sup>25</sup> Breakey develops four notions of protection—combatant, humanitarian, UNSC, and peacekeeping protection (Hugh Breakey, ‘The Protection of Civilians in Armed Conflict: Four Concepts’, 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, 2012, pp.40-61. See also Jon H.S. Lie, ‘Protection of Civilians: the Responsibility to Protect and Peace Operations’, Report No. 4, Oslo: NUPI, 2008.)
- <sup>26</sup> Brahimi Report (see n.1 above), para.63.
- <sup>27</sup> UN (see n.2 above), para.8.
- <sup>28</sup> UN (see n.3 above), p.2.

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- <sup>29</sup> See n.11 above. Lack of political will at mandate and mission levels has as well been emphasized. See n.5 above. See also Taylor B. Seybolt, *Humanitarian Military Intervention: The Conditions for Success and Failure*, Solna: SIPRI, 2007, p.179.
- <sup>30</sup> See n.13 above.
- <sup>31</sup> Typically the UNSC ‘limits the realm of the mission’s responsibility to protect civilians to “within its area of deployment” and “within its capacity”’ (Holt and Berkman (see n.11 above), p.86).
- <sup>32</sup> A mission may still operate under Chapter VII, this authorization given for reasons other than POC.
- <sup>33</sup> See n.18 above.
- <sup>34</sup> UN Security Council Resolution 1528, 27 Feb. 2004, para.6(j). Note that Resolution 1528 also has substantial ‘declaratory protection’ components. Its preamble states ‘Reaffirming also its resolutions 1325 (2000) on women, peace and security, 1379 (2001) and 1460 (2003) on children in armed conflicts as well as its resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflicts’ and in para.6 ‘decides’ that the mandate of the mission should include protection of ‘United Nations personnel, institutions and civilians’.
- <sup>35</sup> ‘Defending Peacekeeping Mandates: the Use of Force’, Panel Discussion, New York: New York University, Center on International Cooperation, 2011.
- <sup>36</sup> Brahimi Report (see n.1 above), para.62.
- <sup>37</sup> UN (see n.3 above), p.1.
- <sup>38</sup> See n.5,23 above.
- <sup>39</sup> See n.13 above.
- <sup>40</sup> While we focus on the interaction between the UNSC and missions, with a critical role played by the SG, we realize a broader set of actors involved in the process. Two are of particular importance, namely the TCCs and SRSBs.
- <sup>41</sup> We draw on Barnett and Finnemore’s view of the UN as an organization ‘with its own internal logic and behavioral proclivities’ (Michael N. Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics*, Ithaca, NY: Cornell University Press, 2004, p.4).
- <sup>42</sup> Holt and Taylor with Kelly (see n.23 above), p.76.
- <sup>43</sup> Interview with former UN official, 1 Aug. 2013; Personal correspondence with Walter Dorn, 23 Jul. 2013.
- <sup>44</sup> UN, ‘Security Council Says States Have Primary Responsibility for Protecting Civilians in Conflict, Reaffirms Peacekeeping Missions Need Protection Mandate, Resources’, Meetings Coverage, SC/10913, 2013.
- <sup>45</sup> Breakey (see n.26 above), p.52.
- <sup>46</sup> Bellamy and Williams (see n.22 above).
- <sup>47</sup> Barnett and Finnemore (see n.42 above), p.8.
- <sup>48</sup> Presentation by Emily Paddon, Liu Institute for Global Issues, Vancouver, Canada, 21 Nov. 2012.
- <sup>49</sup> Ban Ki-Moon, ‘Human Protection and the 21<sup>st</sup> Century United Nations’, Cyril Foster Lecture, Oxford: Oxford University, 2011.
- <sup>50</sup> Brahimi Report (see n.1 above), para.266.
- <sup>51</sup> Mark Malan and Charles T. Hunt, ‘Between a Rock and a Hard Place: The UN and the Protection of Civilians in South Sudan’, ISS PAPER 275, 2014, p.2. See also n.31 above.
- <sup>52</sup> Christine Gray, ‘Peacekeeping after the Brahimi Report: Is There a Crisis of Credibility for the UN?’, *Journal of Conflict and Security Law*, Vol.6, No.2, 2001, p.278.
- <sup>53</sup> Erwin A. Schmidl, ‘Force Generation’, What Needs to Change in UN Peace Operations? An Expert Briefing Book Prepared for the High-Level Independent Panel on Peace Operations, Nov. 2014, p.40, (at: [www.providingforpeacekeeping.org/wp-content/uploads/2014/11/Briefing-Book-PK-Final.pdf](http://www.providingforpeacekeeping.org/wp-content/uploads/2014/11/Briefing-Book-PK-Final.pdf)).

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- <sup>54</sup> Terry D. Gill, 'Legal Aspects of the Transfer of Authority in UN Peace Operations', *Netherlands Yearbook of International Law*, Vol.42, 2011, p.39. See also UN, 'Report of the Special Committee on Peacekeeping Operations. 2010 Substantive Session', UN doc., A/64/19, 2010.
- <sup>55</sup> Brahimi Report (see n.1 above), para.104. Personal correspondence with Katharina Coleman, 19 Jul. 2013.
- <sup>56</sup> Gray (see n.53 above), p.267. The problem was identified in the Brahimi Report (see n.1 above), para.61, acknowledged in UNSC Resolution 1327 (2000), and again emphasized in a recent UN report (UN, 'Report of the Special Committee on Peacekeeping Operations', UN doc., A/68/19, 2014, pp.48-9).
- <sup>57</sup> Gray (see n.53 above), p.280. 'This partial transfer of authority [from the UNSC to TCCs] results in complex multilayered command structures' in peacekeeping missions (Gill (see n.55 above), p.37) and raises serious 'questions about the division of power between the Security Council and troop-contributors' (Gray (see n.53 above), p.267).
- <sup>58</sup> Brian Job and Anastasia Shesterinina, 'China as a Global Norm-Shaper: Institutionalization and Implementation of the Responsibility to Protect', in Alexander Betts and Phil Orchard (eds), *Implementation in World Politics: How International Norms Change Practice*, Oxford: Oxford University Press, 2014, pp.144-59.
- <sup>59</sup> Reynaert (see n.5 above).
- <sup>60</sup> UN (see n.3 above), para.15.
- <sup>61</sup> Mission protection from physical violence is typically realized through deterrent military presence, day and night foot, vehicular, and air patrols, establishment of safe areas, escorting and evacuation, use of force, and preventive information-gathering (see, e.g., Holt and Taylor with Kelly (see n.23 above), p.166; UN (see n.3 above), p.9-10).
- <sup>62</sup> See, for example, Anastasia Shesterinina, 'Evolving Norms of Protection: China, Libya, and the Problem of Intervention in Armed Conflict', under review.
- <sup>63</sup> See, e.g., Holt and Berkman (see n.11 above), p.83.
- <sup>64</sup> UN (see n.3 above), para.23.
- <sup>65</sup> Holt and Taylor with Kelly (see n.23 above), p.165.
- <sup>66</sup> UN (see n.3 above), para.31.
- <sup>67</sup> Williams (see n.5 above), p.18.
- <sup>68</sup> See, for example, UN, 'Report of the Secretary-General on Children and Armed Conflict in Côte d'Ivoire', UN doc., S/2006/835, 2006. On the role of the SG, see Simon Chesterman (ed.), *Secretary or General? The UN Secretary-General in World Politics*, Cambridge: Cambridge University Press, 2007; Leon Gordenker, *The UN Secretary-General and Secretariat*. Global Institutions Series. Oxon and New York: Routledge, 2005; Marrack Goulding, 'The UN Secretary-General', in David Malone (ed.), *The UN Security Council: From the Cold War to the 21<sup>st</sup> Century*, Boulder, CO: Lynne Rienner Publishers, 2004, pp.267-80.
- <sup>69</sup> Joanna Weschler, 'UN Peace Operations: Doing What Can Be Done and Providing for It', *What Needs to Change in UN Peace Operations? An Expert Briefing Book Prepared for the High-Level Independent Panel on Peace Operations*, Nov. 2014, p.41, (at: [www.providingforpeacekeeping.org/wp-content/uploads/2014/11/Briefing-Book-PK-Final.pdf](http://www.providingforpeacekeeping.org/wp-content/uploads/2014/11/Briefing-Book-PK-Final.pdf)).
- <sup>70</sup> Connie Peck, 'Special Representatives of the Secretary-General', in David Malone (ed.), *The UN Security Council: From the Cold War to the 21<sup>st</sup> Century*, Boulder, CO: Lynne Rienner Publishers, 2004, pp.325-40. See also Cedric de Conig, 'Mediation and Peacebuilding: SRSGs and DSRSGs in Integrated Missions', *Global Governance*, Vol.16, No.2, 2010, pp.281-99. Bellamy, for example, discusses the importance of SRSGs in the case of Somalia (Alex J. Bellamy, 'The Responsibility to Protect: Added Value or Hot Air?', *Cooperation and Conflict*, Vo.48, No.3, 2013, pp.333-57.)
- <sup>71</sup> Timothy D. Sisk, 'Introduction: The SRSGs and the Management of Civil Wars', *Global Governance*, Vol.16, No.2, 2010, pp.237-42. Sisk writes: 'SRSGs roles are often conflicting, with overlapping mandates and duties without resources, and the context contingencies rarely allow for consistent action' (p.238); "'SRSGs end up using 90 percent of [their] time to negotiate within the UN rather than

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with the parties”... the capacity to forge a truly coherent response is deeply limited by the organizational context of postconflict UN missions’ (p.240).

- <sup>72</sup> John Karlsrud, ‘Special Representatives of the Secretary-General as Norm Arbitrators? Understanding Bottom-up Authority in UN Peacekeeping’, *Global Governance*, Vol.19, No.4, 2013, p.525.
- <sup>73</sup> The UN considers SRSR reports as internal documents and thus they are not available for systematic examination.
- <sup>74</sup> Of the 28 UN missions (see n.13 above) surveyed for this study, we select Côte d’Ivoire, where wide variation on the outcome of particularized protection allows us to trace the institutional dynamics behind it, and Somalia, where the complexities of past engagement and present situation suggest that the institutional dynamics may not hold. Case studies that follow are based on a comprehensive review of relevant UN documents.
- <sup>75</sup> Interview with a senior UN official, Human Rights Watch, ‘Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d’Ivoire’, *Human Rights Watch*, Vol.17, No.6(A), 2005, p.24.
- <sup>76</sup> Security Council Report (SCR), Cross-Cutting Report No.3, 2010, p.25.
- <sup>77</sup> For conflict background and analysis, see, e.g., Alex J. Bellamy and Paul D. Williams, ‘Local Politics and International Partnerships: The UN Operation in Côte d’Ivoire (UNOCI)’, *Journal of International Peacekeeping*, Vol.16, No.3-4, 2012, pp.252-81.
- <sup>78</sup> See Human Rights Watch, ‘Trapped between Two Wars: Violence against Civilians in Western Côte d’Ivoire’, August 2003.
- <sup>79</sup> UN, ‘Report of the Secretary-General on Côte d’Ivoire’, UN doc., S/2003/374, 2003, paras 71-2.
- <sup>80</sup> Holt and Taylor with Kelly (see n.23 above) p.159. The National Armed Forces and the Forces Nouvelles represent two central sets of actors involved in the armed conflict in Côte d’Ivoire.
- <sup>81</sup> UN, ‘First Report of the Secretary-General on the United Nations Mission in Côte d’Ivoire’, UN doc., S/2003/801, 2003, paras 5-6,37-8; UN, ‘Second Report of the Secretary-General on the United Nations Mission in Côte d’Ivoire’, UN doc., S/2003/1069, 2003, paras 13-4.
- <sup>82</sup> UN, ‘Report of the Secretary-General on the United Nations Mission in Côte d’Ivoire Submitted Pursuant to Security Council Resolution 1514 (2003) of 13 November 2003’, UN doc., S/2004/3, 2004, para.61.
- <sup>83</sup> UN, ‘Second Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2004/697, 2004
- <sup>84</sup> UN, ‘First Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2004/443, 2004, para.10.
- <sup>85</sup> UN (see n.85 above), para.17.
- <sup>86</sup> UN (see n.85 above), para.71.
- <sup>87</sup> UN (see n.85 above), para.19.
- <sup>88</sup> UN (see n.85 above), para.34; UN (see n.84 above), paras 3-4. See also Holt and Taylor with Kelly (see n.23 above), p.298.
- <sup>89</sup> UN, ‘Third Progress Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2004/962, 2004, paras 17-8.
- <sup>90</sup> UN (see n.90 above), para.22.
- <sup>91</sup> UN (see n.90 above), para.23.
- <sup>92</sup> UN, ‘Fifth Progress Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2005/398, 2005, para.65.
- <sup>93</sup> Bellamy and Williams (see n.22 above), p.831.
- <sup>94</sup> UN, ‘Third Progress Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2004/962, 2004, para.78.
- <sup>95</sup> UN, ‘Fourth Progress Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2005/186, 2005, para.26.

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- <sup>96</sup> UN (see n.93 above), paras 71-2. See also UN, ‘Sixth Progress Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2005/604, 2005, paras 13,26; UN, ‘Seventh Progress Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2006/2, 2006, paras 33,40.
- <sup>97</sup> UN, ‘Eleventh Progress Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, S /2006/939, 2006, para.20.
- <sup>98</sup> See UNSC Resolutions 1765 (2007); 1795 (2008); 1826 (2008); 1865 (2009); 1880 (2009).
- <sup>99</sup> See UNSC Resolutions 1865 (2009); 1880 (2009); 1911 (2010).
- <sup>100</sup> UN, ‘Sixteenth progress report of the Secretary-General on the United Nations Operation in Côte d’Ivoire’, UN doc., S/2008/250, 2008, para.34.
- <sup>101</sup> UNSC Resolution 1962 (2010), para.15.
- <sup>102</sup> UNSC Resolution 1975 (2011), para.6.
- <sup>103</sup> Bellamy and Williams (see n.78 above), p.274.
- <sup>104</sup> Bellamy and Williams (see n.78 above), p.265.
- <sup>105</sup> On the situation in Somalia and UN response in the 1990s, see, e.g., Jane Boulden, *Peace Enforcement: The United Nations Experience in Congo, Somalia and Bosnia*, Westport: Praeger, 2001, pp.51-82.
- <sup>106</sup> See Ekaterina Stepanova, ‘Trends in Armed conflicts: One-Sided Violence against Civilians’, *SIPRI Yearbook 2009: Armaments, Disarmament and International Security*, 2009, pp.46-52 (at: [www.sipri.org/yearbook/2009/files/SIPRIYB0902.pdf](http://www.sipri.org/yearbook/2009/files/SIPRIYB0902.pdf)).
- <sup>107</sup> SCR (see n.77 above), pp.2-3.
- <sup>108</sup> See UN, ‘Report of the Secretary-General on the Situation in Somalia Pursuant to Paragraphs 3 and 9 of Security Council Resolution 1744 (2007)’, UN doc., S/2007/204, 2007.
- <sup>109</sup> Paul D. Williams, ‘Into the Mogadishu Maelstrom: The African Union Mission in Somalia’, *International Peacekeeping*, Vol.16, No.4, 2009, p.522. See also UN, ‘Report of the Secretary-General on the situation in Somalia’, UN doc., S/2007/658, 2007, para.43; Walter Lotze and Yvonne Kasumba, ‘AMISOM and the Protection of Civilians in Somalia’, *ACCORD Conflict Trends*, Issue 2, 2012, p.21.
- <sup>110</sup> SCR (see n.77 above), p.27.
- <sup>111</sup> UN, ‘Report of the Secretary-General on the Situation in Somalia’, UN doc., S/2009/132, 2009, paras 56,67.
- <sup>112</sup> See UNSC Resolutions 1801 (2008); 1814 (2008); 1816 (2008); 1831 (2008); 1838 (2008); 1846 (2008); 1851 (2008).
- <sup>113</sup> See, for example, UNSC Resolutions 1838 (2008); 1851 (2008).
- <sup>114</sup> UN, ‘Report of the Secretary-General on Children and Armed Conflict in Somalia’, UN doc., S/2010/577, 2010, para.39.
- <sup>115</sup> UN, ‘Report of the Secretary-General Pursuant to Security Council Resolution 1846 (2008)’, UN doc., S/2009/146, 2009, para.27.
- <sup>116</sup> UNSC Resolution 1910 (2010), preamble, p.2, para.17, *emph. in original*.
- <sup>117</sup> UN (see n.110 above), para.29. Note that the first mention of Al Shabaab in the UNSC resolutions appears in 1907 (2009) on Djibouti.
- <sup>118</sup> SCR (see n.77 above), p.24. Note that targeted sanctions were extended in Resolution 2002 (2011) to include the recruitment and use of children in armed conflict and targeting of civilians
- <sup>119</sup> UN, ‘Report of the Secretary-General on Somalia’, UN doc., S/2010/675, 2010, para.29.
- <sup>120</sup> UN, ‘Report of the Secretary-General on Somalia’, S/2010/234, 2010, para.24.
- <sup>121</sup> UN, ‘Report of the Secretary-General on Somalia’, S/2010/447, 2010.
- <sup>122</sup> UNSC Resolution 2010 (2011), para.7. The Council ‘urge[d] AMISOM to continue to undertake its efforts to prevent civilian casualties and to develop an effective approach to the Protection of Civilians’.



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<sup>123</sup> For example, in UNSC Resolution 2036 (2011), the Council ‘welcomes the progress made by AMISOM in reducing civilian casualties during its operations, urges AMISOM to continue to undertake enhanced efforts in this regard, commends AMISOM’s commitment to establish a Civilian Casualty Tracking, Analysis and Response Cell’ (para.17).

<sup>124</sup> See UN, ‘Report of the Secretary-General on Somalia’, UN doc., S/2011/549, 2011, para.28; UNSC Resolution 2060 (2012).

<sup>125</sup> See UNSC Resolution 2067 (2012); 2077 (2012).

<sup>126</sup> Lotze and Kasumba (see n.110 above), p.20.

<sup>127</sup> SCR (see n.77 above), p.28.

<sup>128</sup> See n.69 above.

<sup>129</sup> Center for Civilians in Conflict, ‘Civilian Protection and Harm Mitigation Policies, Practices, and Tools’, What Needs to Change in UN Peace Operations? An Expert Briefing Book Prepared for the High-Level Independent Panel on Peace Operations, Nov. 2014, p.9, (at: [www.providingforpeacekeeping.org/wp-content/uploads/2014/11/Briefing-Book-PK-Final.pdf](http://www.providingforpeacekeeping.org/wp-content/uploads/2014/11/Briefing-Book-PK-Final.pdf)).