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HUMAN RIGHTS AND THE PROTECTION OF CIVILIANS IN UN PEACE OPERATIONS ∞

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ABSTRACT

As human rights norms increased in importance in the international system, the Protection of Civilians (POC) doctrine became the center of gravity in modern Peace Operations (PO), generating new organizational and structural demands on the United Nations (UN), on other international organizations, and on countries that contribute with troops and police (T/PCC). Can POC be understood as a "graft" onto a broader human rights norm? Has POC doctrine become institutionalized? Has the POC norm "cascaded?" Finally, how can we best observe the POC "cascade" and evaluate its effects on the success of peace missions? This article attempts to answer these questions from the perspective of norm evolution or norm life cycle theory, in dialogue with existing more institutionalist and technical as well as political conversations about the successes and failures of peace missions. Our method is a medium-N study of the evolution of PO mandates and reform processes since 1945. We focus on nine missions and three key reform documents (, (the Brahimi report of 2000, the High Independent Panel Peace Operations [HIPPO] report of 2015 and the Action for Peacekeeping [A4P] Initiative of 2019) and find that POC has followed a path consistent with the "life cycle" approach of international norms. To fully determine the extent to which POC has "cascaded" as an independent norm, we argue that it is essential to pay close attention to the boundaries between the strategic, operational, and tactical levels of peace operations. In particular, actors at the operational level play the crucial role of decodifying POC for forces who implement tactics on the ground.

Key words: Civilians; peace operations; human rights; ONU.

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LOS DERECHOS HUMANOS Y LA PROTECCIÓN DE LOS CIVILES EN LAS OPERACIONES DE PAZ DE LA ONU

RESUMEN

A medida que las normas de derechos humanos aumentaron en importancia en el sistema internacional, la doctrina de Protección de Civiles ocupó un rol central en las Operaciones de Paz modernas, generando nuevas demandas organizacionales y estructurales en las Naciones Unidas (ONU), en otros organismos internacionales, organizaciones y países que contribuyen con tropas y policías. En este trabajo argumentamos que los debates sobre la efectividad de las operaciones de paz y sobre la política de su despliegue avanzan cuando los analistas prestan mucha atención a las diferencias entre los niveles estratégico, operativo y táctico. Consideramos, en particular, que los actores a nivel operativo juegan el papel crucial de decodificar la doctrina de Protección de Civiles para las fuerzas que implementan tácticas en el terreno. También sostenemos que la atención a los límites entre niveles también puede arrojar luz en los debates sobre la evolución de esta doctrina. Ilustramos nuestros argumentos con un estudio de N medio sobre la evolución de los mandatos de las Operaciones de Paz desde 1945. El estudio incluye diez misiones y tres documentos clave de reforma (el informe Brahimi, el informe de Operaciones de Paz del Panel Independiente Superior [HIPPO] y la Iniciativa de Acción Para el Mantenimiento de la Paz [A4PK]). Destacamos ejemplos de cómo los mandatos se interpretaron operativamente y se decodificaron con fines tácticos, con especial atención a los casos en los que las misiones no tienen el resultado completo esperado con respecto a la doctrina de Protección de Civiles.

Palabras clave: Civiles; operaciones de paz; derechos humanos; ONU.

DIREITOS HUMANOS E PROTEÇÃO DE CIVIL NAS OPERAÇÕES DE PAZ DA ONU

RESUMO

À medida que as normas de direitos humanos ganhavam importância no sistema internacional, a doutrina da Proteção de Civis ocupou um papel central nas Operações de Paz modernas, gerando novas demandas organizacionais e estruturais na Organização das Nações Unidas (ONU), em outras organizações e países que contribuem tropas e policiais. Neste artigo, argumentamos que os debates sobre a eficácia das operações de manutenção da paz e as políticas de seu desdobramento

avançam quando os analistas prestam atenção às diferenças entre os níveis estratégico, operacional e tático. Acreditamos que os atores no nível operacional desempenham o papel crucial de decodificar a doutrina da Proteção de Civis para as forças que implementam táticas no terreno. Defendemos também que a atenção às fronteiras entre os níveis também pode lançar luz sobre os debates sobre a evolução dessa doutrina. Ilustramos nossos argumentos com um estudo da N Medium sobre a evolução dos mandatos de Operações de Paz desde 1945. O estudo inclui dez missões e três documentos-chave de reforma (o relatório Brahimi, o relatório de Operações de Paz do Painel Independente Sênior [HIPPO] e o Peacekeeping Iniciativa de Ação [A4PK]). Destacamos exemplos de como os mandatos foram interpretados e decodificados operacionalmente para fins táticos, com atenção especial aos casos em que as missões não tiveram o resultado completo esperado com relação à doutrina de Proteção de Civis.

Palavras Chave: Civil, operações de paz, direitos humanos, ONU.

Section I. Introduction

The Protection of Civilians (POC) doctrine has occupied a central place among norms and objectives in multilateral peace operations since 1999; indeed, it has become the “moral standard” by which success should be judged¹. POC is a multidimensional doctrine, and its implementation therefore encompasses states and international organizations along with non-state actors and agencies. Although POC is generally supported in international forums, problems at the level of execution have often led to disappointing results. Academic and policy analysts debate whether POC is only about words and dialectics (“cheap talk”) or a norm with ethical and moral roots that is effectively applied to stop barbarism, humanize the conflict, and protect many innocent lives². Much serious work supports the argument POC has made a difference, at least some of the time: for example, POC seems to be more effective against abuses by host government forces than by non-state actors³. The mere fact of UN presence has been shown to deter some violence against civilians⁴. At the same time, others argue that general humanitarian provisions may be overcrowding mission mandates, overloading them like “Christmas trees,” and reducing their overall effectiveness⁵.

- 1 MÜLLER, Tanja R. Protection of civilians mandates and ‘collateral damage’ of UN peacekeeping missions: Histories of refugees from Darfur. **International Peacekeeping**, United Kingdom 27(5): 760-784, August, 2020.
- 2 HULTMAN, Lisa. UN peace operations and protection of civilians: Cheap talk or norm implementation? **Journal of Peace Operations**, 50(1): 59-71, January, 2013.
- 3 DI SALVATORE, Jessica & RUGGERI, Andrea. The withdrawal of UN peace operations and state capacity: descriptive trends and research challenges. **International Peacekeeping**, United Kingdom 27(1): 12-21, January, 2020.
- 4 *Ibíd.*
- 5 OKSAMYTNA, Kseniya & LUNDGREN, Magnus. Decorating the “Christmas Tree”: The UN security council and the secretariat’s recommendations on peacekeeping mandates. **Global Governance**, 27(2): 226-250, 2021.

This article aims to contribute to understanding of the status of human rights norms in the international system as well as to discussions about the effectiveness of peace operations. Our theoretical contribution is rooted in the paradigm of norm evolution, which is consistent with both constructivist and rationalist approaches to international relations. Specifically, we employ the idea of norm life cycles⁶ to POC. We find that the emergence and institutionalization of POC may be viewed as “grafts” onto a broader human rights movement, and we suggest that the emphasis on the translation from strategy to action can be a useful perspective from which to analyze the “cascade” of POC and other norms in peace operations. Furthermore, study of the interactions between the decision and action levels of peace missions may be useful in order to sort out the negative “Christmas tree” effect and other debates about the effectiveness of POC in mission mandates.

The article is structured as follows. In section I, we present our argument about the life cycle of POC as an international norm and assess how preoccupation with human rights has evolved in UN peacekeeping since 1945. We also draw from the literature on peace operations to outline a periodization of the history of peacekeeping based on the evolution of the POC doctrine and some PO and events as turning points. In section II we discuss the relative importance of POC in nine missions, selected to represent each of the four major periods of peacekeeping. In section III, we assess the extent to which the cases presented correspond to the “life cycle” theory of norm evolution. We suggest that the interactions between the decision and action levels of peace missions have been affected by the ascent of human rights concerns, and especially by the evolution of POC provisions. In section IV, we summarize our conclusions and discuss the implications of our findings to debates about the effectiveness and politics of peace missions and offer some reflections about the study of POC and human rights norms in the current global context.

Section II. Human rights, norm life cycles, and POC

Our study of POC is rooted in the paradigm of the life cycle of norms. Finnemore and Sikkink⁷ defined the stage of norm creation, in which norm entrepreneurs frame a problem. A second stage is institutionalization, which can provide a legal framework, of hard or soft law⁸. Eventually the newly merged norm “cascades,” being accepted and implemented by most actors in the community. Socialization by key actors is an important part of the cascade process⁹.

Norm life-cycle theory is constructivist in its preoccupation with questions of legitimacy and socialization. A key component of constructivist approaches is the idea that norms reflect the ideas of proper behavior for actors of the broader community¹⁰, conduct

6 FINNEMORE, Martha & SIKKINK, Kathryn. International norm dynamics and political change. **International organization**, United Kingdom 52(4): 887-917, Autumn, 1998.

7 *Ibid.*

8 ABBOTT, Kenneth W., & SNIDAL, Duncan. Hard and soft law in international governance. **International organization**, United Kingdom 54(3): 421-456, Summer, 2000.

9 RISSE, Thomas & Sikkink, Kathryn. The socialization of international human rights norms into domestic practices. In: RISSE, Thomas. *Domestic Politics and Norm Diffusion in International Relations*. London, Taylor & Francis Group, 2016.

10 KATZENSTEIN, Peter J. Introduction: Alternative Perspectives on National Security. In: KATZENSTEIN, Peter J. *The Culture of National Security*. New York: Columbia University Press, 1996.

that is necessary in order to get along better within the community¹¹. The norm life-cycle paradigm is also consistent with rationalist explanations of behavior, however, in that the concept of “reputation” can be is an explanatory variable in both constructivist and rationalist approaches to international relations, as seen in works such as Tomz’s¹² analysis of sovereign debt repayment.

We join a small emerging literature on peace missions in the constructivist vein. Paris¹³, for example, argues that “global culture” influences the nature of peace missions, for example, by limiting the array of options for policy design that UN officials will consider. The larger part of analysis of peace operations is typically more oriented toward technical debates about relative success and failure of operations and practical policy recommendations to make them more effective. A related preoccupation concerns the difficulties involved in building political consensus for peace operations, particularly in the UN Security Council. In spite of the difficulties, Coleman and Williams¹⁴ argue that peace operations are unlikely to disappear, but they will evolve in response to the changing interests and preferences of powerful states in the international community. We believe a dialogue that bridges constructivist and rationalist analysis can be useful both for improving peace operations and for understanding the role of human rights in global governance.

How did POC emerge? How institutionalized is it in peace operations? Has there been a cascade of POC as a norm? Is this cascade continuing, and likely to deepen? How can we determine whether and when the POC doctrine has cascaded as a unique norm, and whether and how it influences PO actors? Finally, how can we evaluate if the norm is making a difference in peace operations?

To approach these questions, we draw from Gilles’s¹⁵ exploration of the Extractive Industries Transparency Initiative, which illustrates how “reputational utility” is a force that drives the emergence of a new norm. Just as, in Gilles’s work, corporate and political leaders cared to be seen as embodying the values of “good governance,” we argue that actors in the global security community, particularly the United Nations, want to be seen as respectful and protective of human rights. Incorporating POC as a norm met the need of key actors in the UN system to react to horrors and to feel a part of the human rights movement. Particularly, “periods of intense scrutiny” lead to decisions to accept or push a new

11 MARCH, James & OLSEN, Johan. The Institutional Dynamics of International Political Orders. **International Organization**, United Kingdom 52(4): 943–969, Autumn, 1998. SHANNON, Vaughn P. Norms are What States Make of Them: The Political Psychology of Norm Violation. **International Studies Quarterly**, 44(2): 293–316, June, 2000.

12 TOMZ, Michael. Reputation and International Cooperation: Sovereign Debt across Three Centuries. Princeton, Princeton University Press, 2007.

13 PARIS, Roland. Peacekeeping and the constraints of global culture. **European Journal of International Relations**, 9(3): 441-473, September, 2003.

14 COLEMAN, Katharina P. & WILLIAMS, Paul D. Peace operations are what states make of them: Why future evolution is more likely than extinction. **Contemporary Security Policy**, United Kingdom 42(2): 241-255, February, 2021.

15 GILLIES, Alexandra. Reputational concerns and the emergence of oil sector transparency as an international norm. **International Studies Quarterly**, 54(1): 103-126, March, 2010.

norm toward “legalization”¹⁶. In the case of POC, we note, these periods occurred after key failures, especially the 1994 Rwanda genocide. POC emerged relatively quickly, and is now an institutionalized legal doctrine, observable in UN-issued documents.

Grafting onto pre-existing movements produces resources, such as “language, legitimacy, and allies”¹⁷; thus, norms advance by grafting onto existing norms. Both the grafting and institutionalizing processes may be helped along by alliances across diverse multilateral organizations, universities, and civil society organizations that Karlsrud¹⁸ calls “linked ecologies.” In the case of POC, these resources include the entirety of the global human rights movement, which in turn rests on a strong foundation of “meta norms” accepted by nearly everyone¹⁹.

Demonstrating that norms have cascaded, and more broadly, that they work as “norm entrepreneurs” intended, presents numerous challenges. In the broader scholarly discussions of human rights, scholars who use different methods have reached different conclusions about the impact of the ascendance of human rights norms in the international system. Those who employ case studies and other qualitative methods have identified the evolution and internalization of norms. Some who used quantitative methods paint a bleaker picture, showing that state leaders participate in the international human rights regime often do so instrumentally. Some have asked whether the international human rights regime exists primarily to legitimate power structures and/or allow participants to feel virtuous (Hafner-Burton).

A version of this broader debate is present in work dedicated specifically to Peace Operations, for example, in the “cheap talk” and “Christmas trees” debates. It is not obvious whether more complex mandates, which constitute evidence the POC norm has institutionalized, help the POC norm diffuse through the operational and tactical levels. To begin to evaluate these questions, it is helpful to have a clearer view of the life cycle of the POC norm.

We suggest that in order to analyze the evolution of POC in PO it is helpful to divide the history of PO into smaller periods. In the next section, we present a periodization punctuated by key reform documents.

Section II. The historical trajectory of POC across four cycles of peace operations and reforms

16 GILLIES. *Ibíd.* GOLDSTEIN, Judith, KAHLER, Miles, KEOHANE, Robert O. & SLAUGHTER, Anne-Marie. Introduction: Legalization and world politics. *International organization*, United Kingdom 54(3): 385-399, June, 2000.

17 GILLIES. March 2010. *Loc. Cit.*

18 KARLSRUD, John. Norm change in international relations: Linked ecologies in UN peacekeeping operations. United Kingdom, Routledge, 2015.

19 KECK, Margaret E. & SIKKINK, Kathryn. *Activists beyond borders: Advocacy networks in international politics.* United States: Cornell University Press, 1998.

The history of peacekeeping may be categorized into periods according to historical facts and three key reforming documents, the Brahimi report²⁰, the HIPPO report²¹ and Action for Peacekeeping (A4P)²². We refer to a first phase from 1945 to 1990 as “Foundational;” the second phase, that lasted from 1991-2000, which we call “Expansion and Collapse,” and the years 2001-2014 a “Reform” phase. We call the period dating from 2015 through the present “Resilience.”

First Phase: Foundational, 1945 – 1990

The foundational phase was when Peace-Keeping Operations emerged as a tool for implementing Chapter VI and Chapter VII of the UN charter.²³ The main idea in the earliest years was to stop the escalation of conflicts between states so as not repeat the failure of the League of Nations. A mechanism was necessary to keep the parties in conflict separated while the dispute was resolved diplomatically, seeking at least to silence the weapons and freeze the escalation of the crisis and the internationalization of the conflict. For the first 45 years of UN history, thus, a core trinitarian concept of a peace operation predominated: Consent (of the receiving state or host nation), Neutrality (of the UN forces) and the Use of Force only in self-defense. Thus, from the late 1940s to the late 1980s, the specific objectives of the UN tended to monitor the ceasefire, control demilitarized zones, and build trust between the parties involved to achieve some progress in conflict resolution²⁴. The ascension of human rights in the UN system, which began with the 1948 Declaration of Universal Human Rights, may be said to have been part of the backdrop for PO but human rights were not specifically incorporated into mandates. PO in this stage were framed and seriously restricted by the Cold War in a bipolar world that fundamentally limited the Security Council.

All three POs in the Foundational period had relatively weak and ambiguous mandates, which did not specifically consider the protection of civilians. UNEF included the specific task of returning to the original status quo. UNTSO and UNMOGIP were specific in forbidding the use of force to achieve the mandate, allowing it only in limited case of self-defense of the UN forces. UNEF expanded the use of force slightly. The tasks of the POs were unidimensional, i.e., there was very little attempt to involve the PO in political or social reconstruction.

Second Phase: Expansion and Collapse, 1991 - 1999

When the Cold War ended, the system of mutual vetoes of UNSC actions was also brought to a halt, allowing for freer conduction of PO. Between 1988 and 1993, the United Nations conducted more peace operations than in its entire forty-year history, opening 22 new missions between 1988 and 1993. This *expansion overextended the capacities* of both internal leadership of the UNHQ, as well as its capacity in the field, given that it faced a new scenario of intra-state conflicts and civil wars, with the same planning, leadership, and

20 UN. Brahimi Report A/55/305 - S/2000/809. New York Cambridge, Polity Press, 2000.

21 HIPPO. High level independent Panel on United Nations Peace Operations. New York, 2015.

22 UN. A4P. New York, 2018.

23 DE CONING, Cedric y MATEJA, Peter. United Nations Peace Operations in a changing global order. Palgrave: Macmillan, 2019.

24 KOOPS, Joachim, MACQUEEN, Norrie, TARDY, Thierry & WILLIAMS, Paul D. The Oxford handbook of United Nations peacekeeping operations. United Kingdom: Oxford Handbooks, 2015, p.3.

support structure with which it had acted in the Cold War scenarios. Furthermore, peace operations during this period were still guided by the culture of “impartiality” (Bellamy), which limited the ability to respond to violations of human rights. Humanitarian agencies such as ICRC, UNHCR, UNICEF, OCHA, IRC, WFP, and Save the Children began voicing their concern for civilians during missions, a call that challenged all three corners of the foundation trinity²⁵.

These problems, and widely publicized human rights violations in UNSOM I and II in Somalia, 1992 - 1993, UNAMIR in Rwanda, 1993 - 1994, UNPROFOR, 1992 -1995, (more precisely in the Safe Area Srebrenica), led to what we call collapse. Kofi Annan, who became Secretary General in 1997, previously served as USGDPKO (head of the PO department of UNNYHQ), and therefore had experienced firsthand the operations in Rwanda, Somalia and Bosnia that cost hundreds of thousands of lives, and consequently was willing to work so that these tragedies for humanity never happen again²⁶. It seemed that the nature of conflict was changing, leading to more crisis situations with great danger posed to civilians. In addition to a need for greater agility, there was more questioning of the idea of sovereignty and no intervention in cases in which governments violated the human rights of their own citizens. In 1999 four missions involving use of force and POC were opened: East Timor, Democratic Republic of the Congo, Sierra Leona, and Kosovo²⁷.

In September 1999, the UN issued the UNSC Resolution 1265, explicitly invoking the Protection of Civilians in the UNAMSIL mission (UN Assistance Mission in Sierra Leone), authorizing the use of force not just for self-defense but also in defense of the mandate. This resolution was a key document marking the future path of peace operations leading to profound reforms.

Third Phase: Reformist, 2000 - 2015

In 2000, the Brahimi Report, aimed at the Secretary General and the contributing states, underlined the importance of POC as a main task for all peace operations, and furthermore argued that POC justified the use of force to protect civilians, stating that “peacekeepers should have the ability to silence the weapons of the sources of the attacks against UN troops and the civilians under their charge to protect”²⁸. The concern with impartiality had changed into a specific commitment to POC. During this period, POC was gradually incorporated into most mission mandates²⁹.

The most significant change after the peace operations system being overstretched and the collapse triggered by the three mentioned shattering missions, is that the operations began towards the end of the 90s to conform to multidimensional attempts, encompassing tasks such as elections, rule of law, human rights violations, and much more complex desired end states. These objectives were seen in the missions in El Salvador, Angola, Mozambique, Western Sahara, and Cambodia among others.³⁰

25 BELLAMY, Alex J & WILLIAMS, Paul D. *Understanding Peacekeeping*. New York, Wiley, 2021.

26 ANNAN, Kofi. *Interventions: A Life in War and Peace*. New York, The Penguin Press, 2012. Pp. 39, 47, 60.

27 BELLAMY & WILLIAMS. *Op. Cit.* p. 122.

28 UN. 2000. *Op. Cit.* p. 49.

29 BELLAMY & WILLIAMS. *Loc. Cit.*

30 DE CONING. “*et al*”. *Loc. Cit.*

The incorporation of POC into mandates was accelerated by the international commitment to the responsibility to protect (R2P) at the 2005 world summit which effectively removed the Consent requirement from the trinity.³¹ The following SGONU Ban Ki Moon, in 2009 implemented the R2P declaration, deepening and sponsoring the concept. Piiparinen argues that the “interventionist turn,” best represented by R2P, is the result of broad human rights norms that influence senior UN officials. These norms have also led to the incorporation of state building into peace missions.³² Piiparine also notes that state building alone soon turned into regime change and war for state building. Thus, the R2P doctrine was severely questioned after the problems associated with the 2011 intervention in Libya³³, but the legitimacy and importance of POC as a separate norm seemingly has not diminished. If anything, political debates about the responsibility to Protect (R2P) are an acknowledgement of the institutionalization of POC, and reflect not disagreement about the norm per se, but rather about how to best implement it.

The first seven years of SG Ban Ki Moon’s tenure (2007 – 2016) were characterized by implementation of the Brahimi recommendations. Because of the rapid change and new demands, Moon called for another panel of experts. The new debate, in which many NGOs and civil society actors participated, emphasized that the stabilization and POC over and above national building. The upshot was the specific authorization to use offensive force to neutralize specific actors and stabilize the situation³⁴.

The HIPPO report of 2014 also emphasized prevention and urged the UNSC to issue more context-specific mandates. It urged greater efficiency and better coordination in regional and national contributors. The report cautioned that POC is a central obligation of the UN, but care must be taken not to overestimate its capacity to deliver protection to local populations. The HIPPO report also emphasized the importance of preventing sexual exploitation and abuse and reaffirmed the need for accountability of UN members.

Fourth Phase: Resilience, 2015 - 2020

Since 2015 the importance of POC in mandates remains robust, but at the strategic level the question of under what conditions the international community should intervene remains complicated. Furthermore, there have been changes in the composition of PO. Also, regional organizations have become more prominent in peace operations. The European Union (EU), NATO, the African Union (AU) and ECOWAS are among the most active in the 46 conflicts with a developing peace operation.

31 UNITED NATIONS. Responsibility to protect. World Summit Outcome Document, 2005, paragraphs 138-139.

32 PARIS, Roland y SISK, Timothy. The Dilemmas of Statebuilding. Confronting the contradictions of postwar peace operations. Routledge, 2009, p 7.

33 KUPERMAN, Alan. Did the R2P Foster Violence in Libya? **Genocide Studies and Prevention: An International Journal**, 13(2): 7, June, 2019.

34 ANDERSEN, Louise Riis. The HIPPO in the room: The pragmatic push-back from the UN peace bureaucracy against the militarization of UN peacekeeping. **International Affairs**, London 94(2): 343-361, February, 2018.

MINUSMA and MONUSCO showed the change in the nature of peace operations, and the challenges that these new changed peace operations face, as we discuss further below. Meanwhile, UNSG Antonio Guterres called for a commitment to peacekeeping, emphasizing that the strategic level should coordinate better with the operational and tactical levels. More than 150 states and four regional organizations approved a new plan in 2018, the Action for Peacekeeping (A4P). Its objectives included better capacity for POC as well as improvements in the security of peacekeepers, and the suggestion of even more multi-dimensional emphasis.

There is also an evaluation by the Force Commander/Police Commissioner on the ground to determine the real capacity that forces have to protect. This meant that some entire contingents had to be removed, something unprecedented in UN history. The development of the Peace Capability Readiness System (PCRS), in development since the 2019, is important for this capacity.

In the next section, we turn our attention to specific peace operations in order to explore how POC has manifested in different mandates over the course of its evolution.

Section IV. A study of POC in nine peace missions

We analyze nine peace operations, including several from each of the historical periods discussed above. Specifically, we explore how human rights concerns generally and POC doctrine specifically merged and translate into changes to mandates, the assigned forces and means, instructions regarding the use of the force, the protection of the force and the desired end state of each PO.

We first look at three missions initiated during the first phase, the Foundational period. (1948 -1990)

UNTSO (United Nation Truce Supervision Organization: 1948- present)

UNTSO was the first peace operation in UN history. Analyzing its mandate, we see that the clear intention to achieve a cease fire and separation of the parties, and also a simplification of the problem. There was an attempt to freeze the situation, but the document contemplates the possible use of force only with respect to Chapter VII of the UN charter. The mandate is not robust, but very general, mentioning tasks such as controlling mobilization and armaments purchase³⁵

The states that contributed troops were Sweden, France, the US, Belgium, Canada, Denmark, New Zealand, and Norway. In 1973 the USSR joined. Thus, there was no regional criterion, and these states played a key role³⁶.

There was no contemplation of use of force to implement the mandate. There is no mention of the protection of civilians in the mandate or the force composition assigned to UNTSO. There was no mention of refugees or of displaced populations.

35 UNITED NATIONS SECURITY COUNCIL RESOLUTION 50, 29 May 1948, Sections 3. and 4

36 KOOPS. "et. al". Loc. Cit.

Many civilian lives were lost. For example, in 1978 a Palestinian commando infiltrated the mission north of Tel Aviv, killing 38 Israeli civilians and a police officer and wounding 71 more), with no response by the international authorities.

The desired final state in UNTSO between 1948 and 1956 was a lasting peace via mediation and the signing of new agreements. However, violence between the involved states and armed groups have been a destabilizing element up to the present day.

UNMOGIP (United Nation Military Observer Group in India - Pakistan / 1948 -present)

The use of term “Military” in the title of this mission is representative of the missions during the Foundational Period. The mandate established that the task was observation, monitoring, and mediation for the Karachi agreement, in order to achieve peaceful dispute resolution. The mandate was weak and diffuse, with no attempt to resolve the root issues of the conflict³⁷

Initially it assigned three observers to monitor the Ceasefire Line. Eventually the number increased to 40, but it was completely insufficient but even so helped achieve a “tenuous ceasefire³⁸”.

Armed troops were not assigned. In the words of the SGONU in 1971 before the UNSC, speaking about the Chief Military Observer: “He is doing all that he can”.

The focus was on silencing the guns and demilitarizing the zone, but there was no mention of the civilians affected by the conflict. Between 1948 and 1990 thousands of civilians died as a result of the conflict.

The desired final status was demilitarization of the zone and a plebiscite to decide the destiny of Kashmir. This status has never been achieved, in part because of the weak mandate, and because India declined to give consent to UNMOGIP in 1971.

UNEF I (United Nations Emergency Force (1956 – 1967)

The crisis that erupted when Egypt annexed the Suez Canal put the ideas of use of force and right to intervene to the test. Canada’s Foreign Minister Lester Pearson described the UNEF as a “true international peace force with police power.” This was the first armed force in an international coalition with a UN mandate. However, it suffered from the limitation of not being launched by the UNSC³⁹.

The mandate contained six resolutions and was three pages long, leaving the details to be articulated by the SGONU. These missions marked what would become a common problem: the lack of consistency between the assigned task and the assigned means, which would be emphasized by the SRS (Special Representative of the Secretary General) and the FC (Force Commander). In 1967 the Six Day War broke out following the removal of the UNEF I forces.

37 UNITED NATIONS SECURITY COUNCIL RESOLUTION 91, 1951.

38 KOOPS. “*et. al*”. Op. Cit. p. 139.

39 FINDLAY, Trevor. *The Use of Force*. New York, Oxford University Press, 2002.

We now turn to the second phase.

Second Phase: Expansion and Collapse period, 1991 - 1999

UNOSOM I, UNITAF, UNOSOM II (Operations in Somalia, 1992-1995)

The Somalia mission was viewed as the beginning of a new world order, with a renewed humanitarian vocation. ONUSOM I, (UN Mission in Somalia I) was begun in 1992 to alleviate a humanitarian catastrophe, to save 5 million people in danger of starving in the context of famine, when most international aid was captured by warlords.

When the 50 MILOBS and 500 troops assigned to UNOSOM I were unable to provide access to humanitarian relief, the US led a non-UN mission, UNITAF (Unified Task Force), with the codename "Restore Hope." UNITAF, was replaced in May 1993 by UNOSOM II (a purely UN mission). Now with a more robust mission and jurisdiction over all Somali territory.

This was the first experience with a peace operation with a purely humanitarian strategy, and also the first to respond to what became known as the "failed state" category of civil wars.

The combined efforts of the Somalia missions were reactive, not preventative, moving from Chapter VI to VII, with more troops, use of force, and broader scope. But the main problem was there was no peace to keep, and the resources did not permit the imposition of peace. There was also confusion over conflicting versions of the Rules of Engagement.

The negative publicity from the Battle of Mogadishu led to greater reticence to deploy troops on humanitarian missions.

The three missions in Somalia evolved in character, from exclusively humanitarian to stabilization. The mandates included the task of strengthening political processes. There were provisions for humanitarian relief, elections, and reconstruction of police forces. POC was included as a key element but is not specifically mentioned in the mandates. In these missions there was a gradual evolution of the use of force toward the rules of engagement (ROE).

ONUMOZ (United Nations Operation in Mozambique; oct 1992- dic 1994)

The mandate for the operation in Mozambique was similar to previous mandates, with general and ambiguous tasks. For example, with regard to demobilizing 90000 combatants after fourteen years conflict, it merely said:

"Calls upon the Government of Mozambique and the Resistencia Nacional Mozambicana to finalize, in close coordination with the interim Special Representative, as soon as possible organizational and logistical preparations for the demobilization process".

This type of mandate put all responsibility for deciding the how on the SGONU in New York. In other words, the strategic level did not put the operational and tactical levels in the best conditions for achieving the mission.

ONUMOZ was begun shortly after the failures of the mission in Angola (indeed, much of the same equipment used in the latter was used in Mozambique). At the same time, ONUSAM II and UNAMIR (Rwanda) were already being planned. Thus, the UN was critically short on resources.

POC was not mentioned in the mandate however, ONUMOZ achieved some level of success, a success which was not appreciated given the failures of UNAMIR. In ONUMOZ, civilians were protected by the ceasefire, the removal of mines, and the opening of channels for humanitarian aid.

It was a successful mission at a point when the UN was at the limits of its capacity⁴⁰. One important reason is the overall capacity of the Mozambique state, which meant the nature of the conflict was different from a civil war in the context of a failed state. The final desired state was achieved when Mozambique held elections on October 13th, 1994. Close to 80000 ex combatants were demobilized, and the mission was ended in 1995.

UNAMIR (United Nations Assistance Mission in Rwanda; oct 1993 – may 1994)

UNAMIR marks an inflection point in the history of peace operations, as it can be interpreted as a chain of errors culminating in the deaths of 800000 Rwandans. UNAMIR was tasked with limited humanitarian coordination, including monitoring, investigating, and informing about human rights violations. Most of the force was removed at the height of the humanitarian crisis, with tragic results.

This mission included 2217 troops and 331 MILOBS, but which were reduced to 270 by the genocide in May. The LTG R Dallaire transmitted warnings that were ignored at UN Headquarters⁴¹.

UNAMIR I's mandate included the following tasks: contribute to the security of the capital city Kigali, monitor, and observe a ceasefire and create a demilitarized zone, monitor the repatriation of 1 million Rwandans, assist with humanitarian aid, monitor the security situation until a transition government transferred authority via elections. However, there was also tremendous pressure on the mission to reduce costs.

There was little political will to provide protection in light of an advancing threat, and the desired final status of UNAMIR was not achieved. Belgium and France removed their troops. However, LTG Dallaire and his small force prevented some deaths, and indeed, Dallaire refused to completely end the mission when asked to do so.

After the genocide, there was pressure to recognize that the protection of lives was the most important objective.

40 HULTMAN, Lisa, KATHMAN, Jacob & SHANNON, Megan. Beyond keeping peace: United Nations effectiveness in the midst of fighting. **American Political Science Review**, United States 108(4): 737-753, November, 2014.

41 KOOPS. "et. al". Op. Cit. p. 467.

UNAMSIL (United Nations Assistance Mission in Sierra Leona; Oct 1999 – Dec 2005)

The UNAMSIL mission incorporated a new doctrine, the Protection of Civilians, illustrated in Point 14 of its mandate:

Acting under Chapter VII of the Charter of the United Nations, decides that in the discharge of its mandate UNAMSIL may take the necessary action to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone and ECOMOG.

This mandate also considers aspects of peacebuilding, contemplating the support to the police and armed forces of Sierra Leona.

UNSG Kofi Annan needed a consolidated force to prevent a new genocide. The intervention of a British contingent was able to achieve this, which then served as an example upon which to build the idea of Lead Nation. The idea was a state with the capacity to carry out a mission, but also one with cultural and other ties to the affected area, in order to build a more complete and lasting peace. Thus, was born the Hybrid Mission.

Kofi Annan commented that “Given the unique history of UNAMSIL I cannot but feel a deep sense of satisfaction as I submit this last report on then Mission”. The mission recovery from the 2000 ordeal offers a wealth lesson for current and future peace operations.”⁴²

UNAMSIL meant that POC had arrived to stay, and it would become doctrine.

MINUSMA (Mission des Nations Unies pour la stabilisation du MALI - 2016)

MINUSMA reflected some of the lessons learned post BRAHIMI and in the process of the HIPPO report. The first stabilization reaction was regional, involving the African Union and ECOWAS. The Lead Nation or Lead Operation plan was implemented, with France at the head, but under the concept of Interim Force, in other words, to stabilize and then leave.

MINUSMA is one of the most complex peace operations in UN history⁴³.

POC is central in the mandate even with authorities in transition in the government. The mission was multidimensional, integrated, meaning it had various actors. The Use of Force in defense of the mandate is permitted.

It is hybrid, with French forces and also intermission with UNMIL, UNOCI, G5 Shael, and with US and AU support. The countries with the largest contributing forces are Bangladesh, Chad, and Senegal. Eight of the top ten are African countries.

The UN forces became targets because they defended the population of Mali. The peacekeepers have suffered direct attacks. Eventually the Santos Cruz report called for better protection of the peace force.

42 Ibid.

43 Ibid. p. 855.

MONUSCO (Mission des Nations Unies pour la stabilisation en République Démocratique du Congo) - 2016)

Monusco represents the new concept of use of force, POC and protection of the force. It is also a hybrid mission, using regional organizations, with R2P in force.

The civilian population received the brunt of attacks by the opposing forces in the conflict, especially in North Kivu, which is why POC is the central task of the mandate.

The mandate is very broad and ambitious. The desired end state is multidimensional, referring to stabilization, elections, rule of law, security sector reform, economic development, support for child soldiers, the end of arms traffic, traffic in persons, and illegal diamond trade. The size of the DRC (2,345,000 square kilometers and 80 million inhabitants) complicated things further.

A unique feature is the creation of the Force Intervention Brigade, which acts specifically in the zone, with specific ROE (Rules of engagement), in coexistence with the UN and different normative. Just as happened in Sierra Leon with British troops.

If anything has been constant in MONUSCO it is POC. The mandate not only states that “The protection of civilians must take priority in decisions take regarding the use of resources,” it adds that “The protection of civilians must have priority in decision-making in the use of available resources and capacities.” Additionally, “authorizes the use of all necessary means to carry out this protection”.⁴⁴

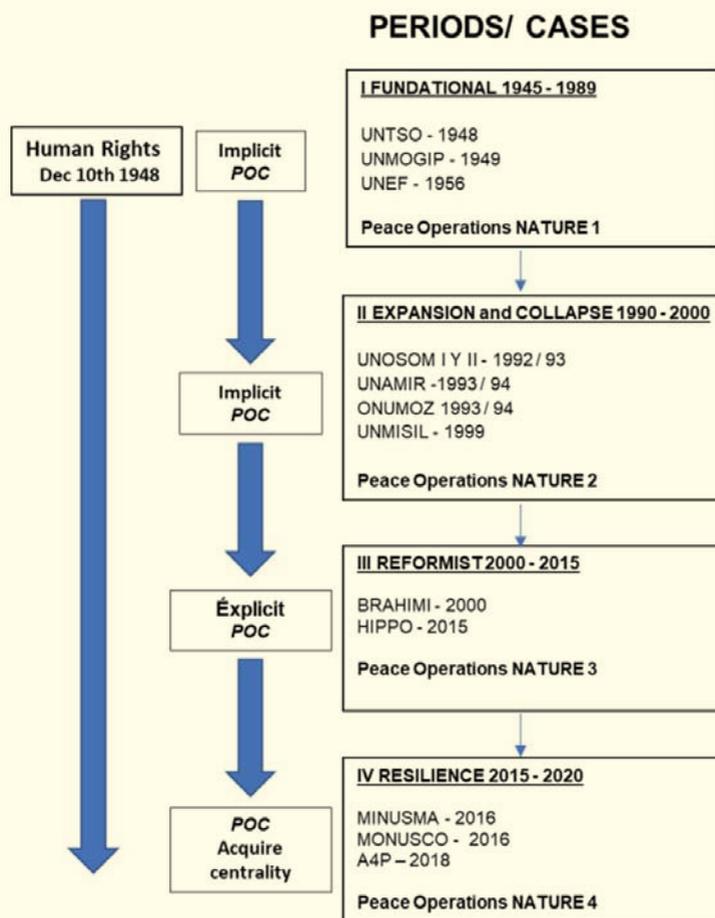
The fall of the city of Goma into the hands of the M23 movement presented a special challenge. The UN stated that the AFDRC (Armed Forces of DRC), should have resisted, with MONUSCO support. As this incident demonstrates, coordination between the strategic, operational, and tactical levels leaves much to be desired.

Figure 1 below synthesizes the arguments we have presented about the evolution of POC in missions and three key documents.

The complex mandates and diversity of peacekeeping actors, as well as new ideas about the desired end state of missions, make translation of POC into the operational level especially difficult, as we discuss in the following section.

44 KOOPS. “*et. al*”. Op. Cit. p. 805.

FIG. 1 THE EVOLUTION OF POC IN UN PEACE MISSIONS SINCE 1945



Source: own author compilation base don the UN information.

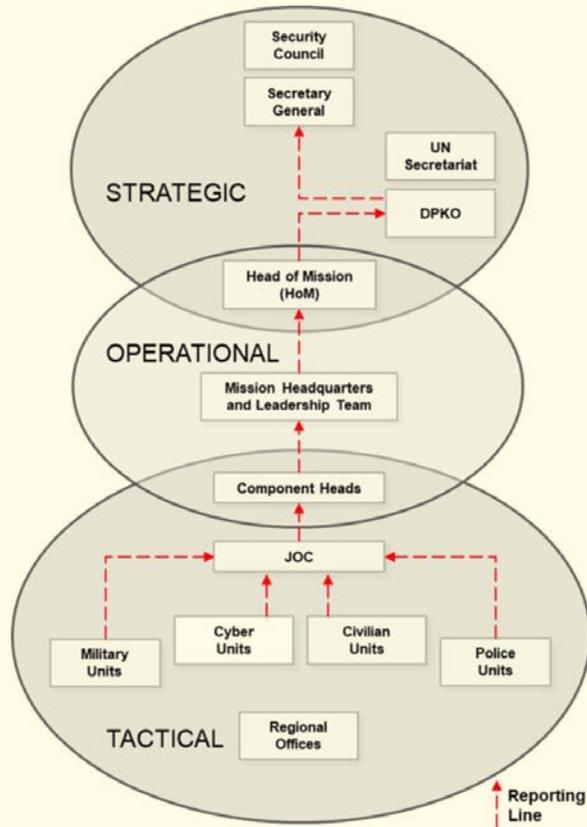
Section V. POC and interactions between the decision and action levels of peace missions

When we are exploring the effectiveness of peace operations and the consequences of POC on the ground, it is important to distinguish among levels where strategic decisions are taken and levels where they are executed, bearing in mind that the lines are frequently blurry.

Figure 2 depicts the authority and command and control structure in multi-dimensional UN peace operations. The strategic level issues the mandates and the main purpose for this document, is to provide *strategic direction* for the operational level; therefore, we cannot expect an incredibly detailed task list or how to do and perform in the given mission. What is extremely important for the strategic level is the delivery of all necessary means

in relation to the given mission for the operational level. The main task for the operational level is to decode the task given for the tactical level in efficient operations. An especially crucial aspect of this codification is the link between POC and the use of force.

FIG. 2 STRATEGIC, OPERATIONAL, AND TACTICAL LEVEL INTERACTION



Source: United Nations Peacekeeping Operations. Principles and guidelines, 2008.

Mandates have tended to be broad, allowing for all necessary means to protect civilians. Some missions are specifically authorized to use all necessary means and others are allowed to be “robust.”

The increasing complexity of mandates means that their interpretation became a more important, and more discretionary, task for officials or commanders at the operational level. As UN Mission Leaders training and guidelines puts it, “mandates can be seen either as upper limit or bottoms. Conservative, risk-averse UN officials or commanders restrained by their personality or home governments, will understand, and see the mandate as a ceiling. By contrast, creative and willing UN officials or commanders will take a leadership role by interpreting the mandate as a floor, defining it operationally and using all their capabilities to implement the spirit, not just the word, of the mandate interpreting and delivering this to the tactical level.” Troops at the tactical level may likewise interpret official

commands differently depending on how their superiors at the operational level decodify or translate mandates for them, and on their previous training and preparation.

Broader mandates have many unintended consequences. For example, they may mean peace mission forces are seen as less impartial, making them targets⁴⁵. They also may generate unmet expectations and lead to refugee flows⁴⁶. Such consequences can also affect the interpretation and translation work of those who work at the operational level of peace missions.

To understand the extent to which POC has cascaded as a norm, it is crucial to develop clearer scholarly understanding of the interactions between the levels of peacekeeping.

Section VI. Conclusions

In this paper we have argued that POC is a norm that has successfully grafted onto the broader human rights norms, to become and become legalized into international peacekeeping institutions. Our central observation is that POC has become the unifying norm for nearly all peace operations. In order to confirm the norm has cascaded fully, however, it is important to explore the interactions between strategic and, especially between the operational and tactical levels.

UN peacekeeping has a mixed record of effectiveness. Overloaded missions may contribute to some problems, but our review suggests that the rise of POC is not the reason. Rather, the main reasons are likely linked to confusion over how best to achieve, and provide the resources for, the achievement of POC. We are still at an uneasy equilibrium, in which there is agreement on the POC norm but not the means, and in which there is still little consensus about R2P.

As scholars such as Sandholz & Stiles⁴⁷ remind us, international norms undergo constant evolution through a logic of argumentation and debate, in which memory will bias actors toward the lessons of relatively recent experience. According to this logic, the experience of the next few years will be crucial for the continued evolution of POC as the unifying norm for peacekeeping.

45 PIIPARINEN, Touko. The interventionist turn of UN peacekeeping: New Western politics of protection or bureaucratic mission creep? *Journal of Human Rights*, United Kingdom 15(1): 98-125, September, 2016.

46 MÜLLER. Loc. cit.

47 SANDHOLTZ, Wayne & STILES, Kendall W. *International norms and cycles of change*. United Kingdom, Oxford University Press, 2009.

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