

# **United Nations, Protection, and the securitization of violence against civilians**

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**A critical security analysis of the politics of protection**

University of Turku

Political science

Master's thesis

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This master's thesis examines how violence against civilians has become a matter of international peace and security for the United Nations (UN), how the UN protects civilians and what social and political implications does this protection enterprise entail.

The matter is of interest because civilian protection has risen from relative obscurity into prominence in the UN's international peace and security agenda. Civilian protection is a matter of controversy, however, because it raises the thorny issues of sovereign integrity, use of force and impartiality, not to mention that some of the most painful peacekeeping experiences in the history of United Nations are related to violence against civilians. It is deeply political.

The thesis asserts that violence against civilians has been made a matter of security. With this premise as its point of departure, the thesis employs a modified theory of securitization to examine how this status quo came to be. With the theory, the thesis produces an analytical narrative on how Protection of civilians, as defined and implemented by the UN, has recast violence against civilians as a matter of security. Under scrutiny are the discourses, practices and rationales of protection.

The analyses show how the experiences in the field led to the securitization of violence against civilians. The peacekeeping practices developed as a result of the decades of experience have been incorporated into the ensemble of discourses and practices of United Nations Protection of Civilians. They expand the international peace and security agenda into the domestic sphere. Similarly, analysis of the UN discourse on protection of civilians shows how the complexity of violence against civilians serve as a premise for the comprehensive protection programme formulated under the Protection of Civilians moniker. The discourse serves to rationalize the previously developed practices.

Keywords: United Nations, peacekeeping, international security, protection of civilians

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## Abbreviations

3R	Reform, Restructuring, and Rebuilding
DFS	Department of Field Support
DPKO	Department of peacekeeping operations
EU	European Union
FPU	Formed Police Unit
IHL	International Humanitarian Law
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
ONUC	Opérations des Nations Unies au Congo
OSCE	Organization for Security and Co-operation in Europe
POC	Protection of Civilians
R2P	Responsibility to Protect
SMART	Support for human rights, Monitoring, Advising, Reporting, and Training
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNEF	United Nations Emergency Force
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNIFIL	United Nations Interim Force in Lebanon
UNITAF	Unified Task Force
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Interim Administration Mission in Kosovo
UNOSOM	United Nations Operation in Somalia
UNPROFOR	United Nations Protection Force
UNSF	United Nations Security Force
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor

UNTAG United Nations Transition Assistance Group  
UNTEA United Nations Temporary Executive Authority

# I Introduction

How has violence against civilians become a matter of international peace and security for the United Nations and with what political effects?

Civilian protection by peacekeepers is and has been almost from the beginning among the most difficult issues on the United Nations (UN) peacekeeping agenda. It raises the thorny issues of sovereign integrity, use of force and impartiality, not to mention that some of the most painful peacekeeping experiences in the history of United Nations are related to violence against civilians. And yet, Protection of Civilians (POC)<sup>1</sup> has become a core issue of peacekeeping in matter of decades. Today, an overwhelming majority of peace operations are mandated to protect civilians by any means necessary. Moreover, the concept has been integrated into the broader peacekeeping policy framework. It structures the actions of the Security Council, frames operational planning and guides the quotidian activities of peacekeepers. Success in protecting civilians has also become a yardstick for measuring peace operations' performance. Civilian protection has moved from the periphery to the core of peacekeeping.

The UN's long history of protecting civilians goes back to the early peacekeeping operations; as a consequence, civilian protection has become embedded in various peacekeeping techniques and technologies. One might even say that it is an ensemble of discourses and practices designed for a purpose, to tackle a concrete, real-world problem. As we know and will see in the coming pages, however, policies that are developed in response to a problem also frame the issue at hand in specific ways that foster specific ways of response. Human interventions have a way of making the world "hang together" (Ruggie, 1998). Yet, these interventions come with a degree of choice that concerns the specific frames and methods we use in tackling the problems of the world around us. Our interventions have effects in the world. They are thus political (Dillon, 1996). What then might be the choices, methods and effects involved in the formulation of Protection of Civilians at the UN?

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<sup>1</sup> This thesis uses three similar yet distinct concepts: civilian protection, protection of civilians and Protection of Civilians. The first two refer to protection in general, whereas the third refers to the specific policy and discourse developed by the UN, as in UN POC discourse or POC policy. The abbreviation POC alone might refer to the general concept that is used outside the UN as well, most famously in the fourth Geneva Convention of 1949 and its additional Protocols of 1977. As will be demonstrated below, their meaning can differ from one another in spite of the same moniker.



This thesis takes as its point of departure the premise that violence against civilians has indeed become a matter of international peace and security. Or more precisely, it has been *made* security. It has been securitized. Protection of Civilians, as articulated and devised in the policy programme of the United Nations, is a response to this insecurity. These claims will be substantiated in the ensuing chapters. So, by posing a number of questions:

How and when did violence against civilians become problem for the UN? How has the UN responded to the problem? What are the practices of protection the UN uses to tackle the problem of violence against civilians? What constitutes violence against civilians? That is, who or what is taken to threaten civilians or to put them at risk? From where do the insecurities emanate? What kind of (re-)organization of social and political relations do the perceived insecurities and their respective countermeasures entail?

With the opening question and these latter questions in mind, this thesis embarks on a study of securitization of violence against civilians that takes into account the discourses and practices that contributed to transferred civilian protection from the periphery to the core. The result is an analytical narrative that attempts to make sense of the problematic laid out above with the use of UN documents and international relations literature. This introductory chapter situates the thesis in the field of International Relations scholarship and especially those parts that touch upon the subject of Protection of Civilians. This is followed by an outline of the thesis that summarizes the chapters to come.

## **1.1 Situating the thesis**

This section situates the thesis within the field of International Relations scholarship on Protection of Civilians. It first takes mainstream bodies of literature that assess the efficacy and conceptual–doctrinal consistency of Protection of Civilians and then proceeds to critical literature on interventions and peace operations. These reviews are cursory rather than comprehensive and point out general tendencies in the field, which then allows proceeding to more specific reading of certain texts. The review excludes general analyses of the UN, peace operations and civilian protection in the field as well as analyses from other fields, such as international law. Literature on these subjects is burgeoning and therefore cannot be considered in their entirety here.

In the mainstream studies on Protection of Civilians, a common goal is to assess the POC concept and how or whether it works. There are those who do it with quantitative methods

(e.g. Fjelde, Hultman, & Nilsson, 2019; Hultman, 2013; Hultman, Kathman, & Shannon, 2013) and those who focus on the high politics of the Security Council (e.g. Shesterinina & Job, 2016). Another common approach is to focus on the concept of POC. The purpose is either to systematize it internally (e.g. Breakey, 2012a; Holt & Berkman, 2006; Lilly, 2012; P. D. Williams, 2013) or to put it in relation with other related concepts, most often with R2P (e.g. Breakey, 2012b; Hunt, 2019; Tardy, 2012; P. D. Williams, 2016).

The tone and attitude toward POC vary from positive (Hultman) to cautious-yet-encouraging (Williams) to cautious (Tardy) and finally to negative (Shesterinina & Job). The analyses may be critical in the sense that they reveal how the POC concept fails to deliver (Shesterinina & Job), how it is misoriented (Williams), or how its liaison with other doctrines may turn dangerous (Tardy). While this review is far from complete and while it is sometimes acknowledged (P. D. Williams, 2016, p. 537), analyses of the political dimension inhering in POC seem to be largely absent in mainstream scholarship. The rationale of protection is taken as a given.

Admittedly, analyses of the political seem to be more prominent among critically minded scholars. They have questioned the rationale of international regimes ever since the 1990s (Keeley, 1990) and showed that peace is a contested concept (Richmond, 2005). Others have analysed individual peace operations and showed how they might foster disorder (e.g. Bode & Karlsrud, 2019; Maisonneuve & Saeteroey, 2014), but are not the blunt instrument of a global Leviathan (Zanotti, 2011). A critical analysis of R2P showed that its emergence marked a turn from “deeds to words” in the sense that the concept rationalized UN’s international executive authority, which it had assumed and developed since the beginning of peacekeeping (Orford, 2011). Some see the development of international executive authority as a sign of police power becoming the most important modality (Ryan, 2011). Critical scholars have analysed numerous aspects of global security governance and yet, critical analyses of Protection of Civilians specifically seem to be rather rare.

This is equally true among securitization scholars. Analyses of the securitization of humanitarianism (Watson, 2011) and the erosion of indistinctiveness (Vaughn, 2009) are the rare examples that are even remotely related to the topic of the present thesis (one reason for this rarity might be found in section 2.1 below). Critical constructivist studies tend to focus on the norm-making and high politics of the UN Security Council (e.g. Bode

& Karlsrud, 2019; Maisonneuve & Saeteroey, 2014), while the discourses, practices and rationales in the field seem to receive less attention. In sum, numerous analyses of the POC concept and practice exist in mainstream literature, but they ignore the political aspects of protection. Critical scholars, in turn, have analysed several aspects of the politics of global governance, including peace operations, but Protection of Civilians seems to have remained oblivious to them.

There is one notable, and recent, exception to this general silence: Marc Doucet's (2017) *Reforming 21st Century Peacekeeping Operations: Governmentalities of Security, Protection, and Police*. Doucet's analysis is a book-length treatise on the rationales underlying the key peacekeeping concepts of security sector reform, Protection of Civilians and policing. The study is located within the critical security studies tradition and, as the title suggests, he employs a Foucaultian approach, which is also central for the rendition of securitization theory used in this thesis. Moreover, his analysis of policing in peace operation follows similar ideas as the ones presented in chapter four below. Doucet's arguments regarding POC deserve further explication if only to distinguish it from the present work.

Doucet's central argument is that dead or alive, civilians are part of the governmental rationale that guides UN's efforts to protect civilians under the Protection of Civilians moniker (p. 100). He notes that the concept of civilian has become universal in the sense that the status of civilian guarantees one the rights and protections afforded by humanitarian and human rights laws (p. 105). This has not always been so, as "non-civilized" peoples were previously deemed unworthy of these rights and protections (see Mégret, 2006). Combined with the obligation to protect civilians irrespective of the source of the threat (meaning that peacekeepers might have to fight against the host state's authorities), the promise of protection seems universal.

It however appears to be impossible to deliver on this promise, which has led the UN to rationalize its failures to protect with the use of several caveats (see section 3.1 below), and to manage recipients' expectations (p. 117). Those who fall through the cracks of protection are incorporated to the protection programme with the use of casualty counts that are used to improve protection (p. 119). Protection itself, in Doucet's reading, is guided by the logic of policing that emphasizes maintenance of order through the techniques of prevention and pre-emption and the technologies of risk assessment. He

argues that the policing logic has led to the blending in of military and police functions as the former are now frequently assigned with public order tasks (pp. 114–115).

The chapters below raise many same or similar points and I am inclined to agree with Doucet’s analysis of the United Nations Protection of Civilians. When our readings concur, I will acknowledge this and when they do not, I will comment on Doucet’s reading. The present thesis thus supplements Doucet’s study at these points. The differences are mostly matters of nuance, but I think it is important to acknowledge any possible similarities so as to avoid unnecessary confusion between two works that are rather similar in approach and entered the public domain within a relatively short time. There is, however, a gap where the present thesis can make a more significant contribution, which is the domain of insecurity. Doucet does not consider what the UN POC defines as insecurity. But as the coming chapters argue, this is a central part of the rationale of United Nations Protection of Civilians dispositif. Here, the explicit use of securitization theory proves its utility.

## **1.2 Outline of the thesis**

Now that the research questions and other preliminaries have been presented, this thesis begins by laying out the theoretical framework, which is built on the theory of securitization. More specifically, this thesis uses Jef Huysmans’ modification of the original theory that expands the notion of securitization and makes the theory more nuanced. The chapter also proposes to start the analysis of securitization from problematizations; that is, the moments when violence against civilians and the responses to it have been called into question. The overall purpose of the framework is to provide tools for the construction of an “analytical narrative” that explains how the securitization of violence against civilians has come about and gives an account of the politics of protecting civilians.

Before moving to the problematizations, Chapter 3 presents the policy of Protection of Civilians, as conceived by the United Nations Secretariat together with the Departments of Peacekeeping Operations and Field Support. The first section presents the purview of the policy, its stipulations on the use of force, and the rationale of protection, which is based on the three-tiered structure of protection activities and the risk-assessment approach to protection. Then the chapter advances an alternative reading of the concept and policy. Section 3.2 proposes that UN POC and the POC policy form in fact an

ensemble of security discourses and practices that has emerged from the UN's decades of peacekeeping experiences.

Chapter 4 and 5 offer two takes on the problematization of violence against civilians – one historical, the other discursive. They examine how the governing of international peace and security and protection of civilians in particular have been called into question. The historically oriented Chapter 4 explores the historical trajectories of civilian protection, militarization and policing and how they have shaped UN peacekeeping. With the use of peacekeeping literature and UN documents, the chapter shows how these three trajectories and their root-problematizations of violence against civilians, adequate force, and disorder have shaped UN peace operations and civilian protection. Moreover, the chapter shows how the problematizations have blended into one another. The blending-in of the problematizations has led the UN peace operations to adopt a logic of policing that expands the practices of protection beyond the traditional remit of *international* peace and security.

In contrast to the preceding chapter, Chapter 5 turns to the United Nations' discourse on violence against civilians. The chapter analyses Secretary-General's report series on the protection of civilians in armed conflict to identify how the UN perceives armed conflict and what are the insecurities that threaten civilians. The chapter concludes that the UN perceives armed conflict and insecurities as complex and interdependent, which necessitates the comprehensive protection programme presented in the POC policy. As such, the discourse rationalizes the expansion of peace operations purview from the international sphere to the domestic. It internationalizes domestic issues at the level of discourse, like the peace operations had done at the level of practice. In sum, chapter 4 establishes how the existing practices of protection came about, whereas chapter 5 demonstrates how the UN discourse of protecting civilians provides a rationale for the practices.

The concluding chapter reviews the findings of the preceding chapters in terms of three key concepts of the thesis: problematization, securitization and protection. The United Nations Protection of Civilians discourse and policy programme, on their part, expand the concept of international peace and security into the domestic realm. International and domestic security become indistinguishable. Consequently, the jurisdiction of the UN is also expanded without ever formally renegotiating the rules of the world order. Together

the problematizations, practices of protection, the security rationale and the principle of reasonable force enable the UN to penetrate deep into the vital institutions of statehood and pursue the Organization's vision of good order.

Before proceeding to the theory chapter, three caveats are in order. First, the thesis is premised on the idea that security is artificial by nature and political by function. This is not a comment on the reality of threats, however. Securitization theory is not a yardstick with which to point out "objective" threats, let alone lies. It is a framework for understanding where and how insecurity emanates, and how this might be politically significant. Thus, when speaking of for example framing of insecurities, this is not to be construed as a denial of the violence of armed conflict that has destroyed the life of many.

Second, the thesis constantly speaks of the UN doing things without references to successes, failures or resistance. This is not to imply that the UN is a global Leviathan that reorders the world at will (see e.g. Zanotti, 2011, on this point). Neither are constant references to politics of protection meant to be construed as insinuations of malice or cynical ploys. Any question regarding ethics, benefits of the usefulness of Protection of Civilians and peace operations more generally deserves a nuanced evaluation. Finally, the thesis focuses on UN POC in general and excludes related discourses on women, peace and security, protection of children and prevention of sexual abuse in armed conflict. These topics provide further avenues for research.

## 2 Securitization as a multidimensional process

The primary theoretical framework to be used for analysis in the following chapters is based on the theory of securitization. The origins of the theory reach back to the debates stirred up by the linguistic turn in International Relations and the broadening–deepening debate in security studies during the 1980s and early 1990s.<sup>2</sup> The former turned the social scientific gaze to discourses and concepts and the politics they entailed. The latter divided students of international security into traditionalists who wished to keep the meaning of security limited to national security, and reformists who argued for the broadening of the concept beyond non-military issues as well as deepening it above and below the state level (Krause & Williams, 1996). At stake in these debates were nothing less than the criteria for legitimate security knowledge and the acknowledgement that making reality intelligible in terms of security has political implications (Huysmans, 2006, pp. 16–26).

Securitization theory engaged in each of these debates. First, it applied a linguistic approach to the concept of security and re-conceptualized it as a social construction, or an artificial status constituted by the *speech act of securitization* (Buzan, Wæver, & de Wilde, 1998, pp. 23–24; Wæver, 1995, p. 55).<sup>3</sup> Second, in a nod to the traditionalists, securitization theory posited that security was a matter of *survival*. Security status implied existential gravity, which distinguished security from other statuses. Often, the survival of political order was seen as the primary referent object. The state in particular was thought to give the concept of security intelligibility that other referent objects could not (Wæver, 1995, pp. 48–49), although the possibility of other referent objects is explicitly acknowledged too (Buzan et al., 1998, p. 8). Finally, securitization theory also nodded to the direction of reformists by acknowledging that matters of non-military nature may become matters of security, provided that they were perceived as threats to survival (Wæver, 1995, pp. 51–53). Together, these premises form the basis for charting relations between perceived threats and their respective referent objects across different security sectors.<sup>4</sup>

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<sup>2</sup> The history of the theory has been accounted many times and it is not necessary to repeat it here. For an examination of securitization theory as part of the broader field of security studies, see Buzan and Hansen (2009). The debates revolving around securitization theory and critical security studies have been analyzed in detail by for example the C.A.S.E. collective (2006), Vuori (2011) and Wæver (2004).

<sup>3</sup> To be precise, it was ‘security’ that was originally considered a speech act (Wæver, 1995, p. 55), but for example Vuori (2011, pp. 134–135) has argued it is more logical to think of security as a status and securitization as the act of constituting the status.

<sup>4</sup> The concept “security sectors” is part of the broader framework of “Copenhagen School of security studies” that builds its research program on three core ideas: securitization, sectors and regional security complexes (Wæver, 2004). Copenhagen school uses sectors to distinguish between political, economic,

From these premises the securitization theory derived the “grammar of security”: An existential threat is asserted, which is followed by a demand for the immediate deployment of emergency measures without regard for the normal rules because otherwise the threat would wreak its havoc (Buzan et al., 1998, p. 33). When the securitization move is successful – that is, when it resonates sufficiently enough with its audience – it brings forth a new, shared social reality in which something or someone is considered an existential threat to something or someone valued. Together the perceived gravity of the threat and the value of the referent object justify measures that would otherwise be considered illegitimate. A successful securitization thus opens the possibility of altering “inter-unit relations” in the given political field. In case the insecurity is institutionalized, the emergency measures will have lasting effects. (ibid., pp. 24–28.) The normalization of the unthinkable distinguishes securitization from mere politicization because it implies intensity that normal politics lack. And in this sensitivity to the special nature of securitization lies the value of the theory; it encourages critical evaluation of security speech.

Since the tumultuous debates in the 1980s and 1990s, securitization theory has become widely popular in IR and beyond. Its utility in analysing the politics of security on the one hand and its ambiguities on the other have spawned numerous approaches within the general framework (see Balzacq, Léonard, & Ruzicka, 2016). Among these is the one developed by Jef Huysmans (2006, 2014). His approach shares the basic premise of the original theory that sees security as a socially constructed status with inescapable political implications. However, whilst acknowledging the discursive side of securitization, his approach is more interested in bureaucratic practices of rendering insecurity. Moreover, his version of securitization theory posits that insecurities come in different forms, some of which are of less-than-existential gravity.

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environmental, military and societal security on the basis of their assumedly distinct patterns of threat relations. This is argued to reduce unnecessary complexity. (Buzan et al., 1998, p. 8.) Despite its centrality for the original securitization theory, the present thesis makes no use of sectors for two reasons: First, as critics such as Jef Huysmans (2006, pp. 80–83) have noted, sectoral thinking risks the “reification” of threat relations, which could obscure the complex situations from which insecurities emerge. The second problem with sectoral thinking arises from illogical construction of sectors. This point will be elaborated below in connection with the discussion on Copenhagen school’s refusal to consider peacekeeping as a matter of security.



The present thesis uses Huysmans' version of the securitization theory, as presented in his books *The Politics of Insecurity* (2006) and *Security Unbound* (2014). Section 2.2 below presents Huysmans' ruminations and contextualizes them with the use of relevant literature. The following and final section is dedicated to methodological matters. It establishes the basic premise and ties the concept of securitization with that of problematization to create a tool for the identification of individual instances of securitization. It then discusses briefly the method and research materials used in the empirical chapters. But before moving on to Huysmans' theory, the connection between security and protection must be established.

## **2.1 Security and protection**

Securitization theory is not primarily concerned with peace operations. In fact, in their "framework book" of securitization theory, Barry Buzan, Ole Wæver and Jaap de Wilde even denied that such operations could be considered as security measures. They posited that humanitarian interventions and peace operations are "routine world order activities" and therefore they "cannot be viewed as concerning existential threats to their states or even as emergency action in the sense of suspending normal rules" (Buzan et al., 1998, pp. 22, 49). States contributing troops to peace operations are not acting against existential threat that threatens the troop contributing state and therefore peace operations are not matters of military security. The statement is not a key component of the securitization theory, and I may have the luxury of hindsight, as peacekeeping is not what it was in the 1990s. But as Buzan (2008, p. 553) repeated the statement a decade later, the position begs a reply. I argue this position is untenable even within securitization theory's own parameters and then posit that protection is integral to securitization.

As noted, Buzan et al. (1998) deny peace operations being matters of military security. Later in the framework book, however, they state that the UN Security Council resolutions invoking Chapter VII of the UN Charter constitute "very clear instances" of securitizing moves in the *political sector* (ibid., p. 149). The problem is that the authors did not consider the eventuality of a resolution that invokes Chapter VII *and* deploys a peace operation to maintain or restore international peace and security by any means necessary. Such a resolution would in the authors' reasoning fulfil the threshold of securitization both in the political and military sectors, but there are no criteria with which to adjudicate between the sectors, especially if both the threat and the response were of military nature.

Moreover, the statement lacks in nuance. The first under-nuanced detail is the remark that peace operations are not emergency measures because the troops are not acting against threats of their respective home countries. This is true, peacekeepers are not acting on their home country's behalf. But when recruited to a peace operation, peacekeepers become hired guns who are working for the UN. In other words, they become the *UN's military* for the duration of their deployment, acting against insecurities the UN has designated as threats to international peace and security. It is unclear why the authors think the UN cannot be a securitizing actor in the military sector, while in the political sector it can.

Further still, peace operations are thus emergency measures deployed to contain threats to peace and security. An overwhelming majority of operations is authorized under Chapter VII, which triggers an international state of exception where rules protecting sovereign integrity are relaxed. Here I undoubtedly enjoy the benefit of hindsight, as the book was written more than two decades ago when operations of this kind were rarer. Yet, even then, let alone by 2008, the argument was simplistic, if not entirely without foundation. As will be discussed in Chapter 4 below, the UN had commissioned and deployed peace operations of its own under Chapter VII by the latter half of the 1990s. The second peace operation ever deployed to the Democratic Republic of the Congo was even closer to the kind of securitization envisioned in the original theory.

The final point of contention is that when Buzan, Wæver and de Wilde dub peace operations as routine world activities, they do not take into consideration their concept of “institutionalized securitization”, that is, security issues around which looms a stable sense of menace and in response to which permanent bureaucracies have been created (Buzan et al., 1998, pp. 27–28). Arguably, the UN has identified such insecurities and established bureaucracies to manage them. Violence against civilians is one of these insecurities, and the UN POC as well as peacekeepers' POC policy are the clearest markers of this, as will be elaborated further in chapter three.

Yet, it is not just UN POC and its policies that participate in securitization. There is a deeper, conceptual connection between security and protection, which connects the two in the abstract: Securitization refers to the assertion of an existential threat, which then justifies emergency measures that would otherwise be unacceptable and that will alter

political field. In other words, securitization implies protection, because the emergency measures are taken to secure the valued referent object. Furthermore, as with security, different conceptions of protection shape the politics of protection; is the protector to shield herself, or maybe she is to contain the protégé. Different conceptions of protection introduce different techniques and technologies of security into play (Bigo, 2006b). Thus, contra the original securitization theory, protection, and for example UN POC as its manifestation, is a matter of security and therefore suitable object of study. Now, after this note, it is time to move on to Huysmans' rendition of the theory.

## **2.2 Securitization – from speech acts to multidimensional processes**

Originally, securitization theory focused on the social construction of existential dangers via speech acts. When successful, such constructions permit the use of emergency measures without due regard for normal rules and might ultimately cause more permanent changes in the fabric of society. While the basic premise of the theory holding that security is a socially constructed status is now widely shared, some of the theoretical commitments and ambiguities of the securitization theory have resulted in lively debates about the precise nature of security, how it is brought about, and what in fact does the social construction of (in)security entail politically.

An amicable critique from Jef Huysmans (2006, 2014) has challenged and refined the securitization theory on four grounds: 1) the locale of securitization, 2) the conduit for securitization, 3) the politics of (in)security, and 4) the nature of (in)security. The subsections below examine each at a time.

### **2.2.1 The locale of securitization**

The first point of contention concerns the locale where securitizations take place. The original securitization theory was built on the idea of securitization speech acts. The word act, or its plural acts, draws one's attention to a singular instance of something, or a series of singular instances, in this case securitization speech acts. This turns the securitization analysts' gaze toward discourses that are in plain sight, often public spectacles and grand declarations of existential danger by authority figures. (Although one must bear in mind that for the original theory securitizations did not result from such declarations alone, but from an assertion of a threat, its acceptance by a relevant audience, and the alteration of broader pattern of relations in the political field.) (Buzan et al., 1998, pp. 25–26, 30–31.)

Huysmans' contention here is not that public framing of threats is unimportant. To the contrary, these framings may generate a sense of unease and thereby contribute to securitizations (Huysmans, 2006, p. 54). Rather, the problem is that such understanding of securitization lacks nuance. For Huysmans (2006, p. 153), securitization is "a multidimensional process" that is more subtle than explicit speech acts; it embeds an issue into a context in which skills, expert knowledge, institutional routines as well as discourses of danger frame an issue as an insecurity. This is what he calls a *domain of insecurity* where the security status is constituted by "the political and institutional framing of policy issues ... in terms of security rationality" (ibid., p. 4). The locale of securitizations is thus not simply the public fora. Securitization takes place just as much in the workings of security experts and their methods of evaluating risks and insecurities.

An example of insecurity domain at work can be found in Chapter 4 below, which analyzes the discursive construction of insecurities in the Secretary-General's POC reports. The report from 2001 frames the issue of displacement as an insecurity not because it places civilians in harm's way, but because the possibility of armed elements hiding among civilians risks the spread of armed conflicts thus jeopardizing regional stability and because displacement en masse might disturb "delicate ethnic balances".<sup>5</sup> Displacement in this imaginary is thus not dangerous in and of itself, but because it feeds other insecurities. In other words, displacement becomes intelligible as a matter of international security because it has been embedded into a context that implies insecurity.

### **2.2.2 The conduit for securitization**

Huysmans' second point of contention concerns the primacy of language in the analysis of securitization processes. As the discussion on insecurity domains suggests, discourses alone cannot account for securitizations. Often the discourse-based approaches make the argument that discourses constitute our social reality and therefore have power effects in the real. Yet, the power of discourse often remains at the level of assumption, thus leaving the discourse-based approaches inadequate. (Huysmans, 2006, p. 91.) Anna Holzscheiter's (2014) sobering summary of the problem at the heart of discourse analysis and accounts of power is worth quoting at length:

Discourse approaches are very strong in ... exploring how structures of signification and discursive formations shape social life and to account for how patterns of meaning

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<sup>5</sup> UN Secretary-General (2001, para. 28).

and discursive practices change through communicative interaction. However, *in seeking to do more than that, IR discourse analysts, again, seem to sit uncomfortably between positivist epistemology and constructivist ontology.* (p. 157, emphasis added)

As a result, she continues, discourse approaches fail to establish “a direct link between particular types of communication and communicative behaviour and the impact of these practices on their social environment” (ibid.).

The same arguably applies to securitization theory, which is why Huysmans has focused on *techniques of government* – policy programmes, techniques, technologies and other devices of security experts, which shape and empower discourses. In so doing, he has turned to Michel Foucault, and his significant studies on the rise of the administrative state and the modern art of governing peoples in the early modern period. For the French historian of systems of thought, government refers to the “conduct of conduct” and “action upon actions”, which “structure the possible field of action of others” (Foucault, 2002, p. 341). It has “population as its main target and apparatuses of security as its essential mechanism” (Foucault, 2007, p. 108).<sup>6</sup>

An apparatus, or a *dispositif, of security* refers to an ensemble of discursive (knowledge) and non-discursive (techniques) elements that are conjoined in a specific moment in time for a specific purpose (Foucault, 1980, pp. 194–195). The essential function the *dispositif* is to deal with harm so that it “cancels out the reality to which it responds— nullifies it, or limits, checks, or regulates it” and thereby ensures the continuing of beneficial circulations and blocking of harmful circulations (Foucault, 2007, pp. 19, 47). The security *dispositifs* in some early modern European states, for example, harnessed the newly developed knowledge of the state, statistics, in combination with the technology of police to manage populations in a manner that fosters benevolent internal order while still optimizing the development of state’s resources (ibid., pp. 313–326). Governing populations through the use of an ensemble of knowledge and bureaucratic techniques is an activity for the optimization of resources and performance.

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<sup>6</sup> To be precise, there is a disconnect between Foucault’s ideas of security and governmentality. In the first three lectures of the *Security, Territory, Population* (2007) lecture series, Foucault theorizes security in relation to other forms of power he had analyzed previously. He suspends the idea ultimately, however, and the subject of the lecture series shifts to governmentality in the fourth lecture. For a more detailed analysis of the shift, see Bigo (2008).

Little explication is required to incorporate the notion of *dispositif* into Huysmans' theory of securitization and ultimately with UN civilian protection. The primary components of this explication are the *governmental rationale* and the *security rationale* that operates within it. They guide the working of the *dispositif*. Security rationale defines "the logic of security practice, of how security practice modulates objects of government, integrates fragmented events and developments, and introduces specific technologies" to counter insecurities (Huysmans, 2006, p. 147). Discerning security rationales of the object under analysis shows us how security discourses and practices are woven together to make insecurities visible and governable.

Governmental rationale, as the upper category, refers to

a way or system of thinking about the nature of the practice of government (who can govern; what governing is; what or who is governed), capable of making some form of that activity thinkable and practicable both to its practitioners and to those upon whom it was practised. (Gordon, 1991, p. 3; also Huysmans, 2006, p. 93)

To compare, both rationales refer to rationales of organizing power and both involve discourses and practices. But whereas the former is concerned with tackling insecurity specifically, the latter approximates to what below is referred as the "vision of the political" – that is, the vision of social and political organization embedded in security discourses and practices. Both security and governmental rationales shall be examined (though rarely invoked explicitly) in Chapters 4 and 5, roughly with the division of labour that empirical sections deal with the security rationales while discussion parts discern the overall governmental rationale inhering in UN civilian protection. The outcome is that the analysis of security rationales reveals what the UN civilian protection conceives as insecurities, while the analysis of governmental rationales explicates their political consequences. The empirical parts analyse the tackling of insecurities while the discussion parts explicate the political meaning of the empirical parts.

### **2.2.3 The politics of (in)security**

Huysmans emphasizes the inevitably political nature of security. The original securitization theory also acknowledged the political nature of security in its reference to changes in "inter-unit relations", but Huysmans offers a more nuanced reading of the politics of securitization. In the 1990s, some of the notable political theorists of security had noted how the politics of security is not limited to mere naming of threats. Instead, they argued, articulations of security always imply answers to much more fundamental

questions, such as those concerning who we are and who we are not (Dillon, 1996, pp. 34–35; also Connolly, 2002), and who or what are the legitimate subjects (or in securitization theory’s vernacular, referent objects) of security (Walker, 1997). When such questions are approached in terms of security, the answers to these questions tend to be consolidated in the sense that it is no longer acceptable to question them. Security becomes the securing of our fundamental view of the world and what is precious in it. It offers a “constitutive account of the political” (ibid., p. 69).

Taking his cue from these thinkers, Huysmans (2006) argues that security is not just one sector among others, but that the politics of (in)security entail a *vision of the political*. In his later work, for example, he explores the familiar concerns of how security policies enact democratic limits (Huysmans, 2014). His concern lies not so much in explicit violations of democratic rule than in the way in which existential and diffuse modes of securitization organize social and political life around enmity, danger, risk and suspicion. Operating at many levels of society, securitization tends to relativize democratic principles and thereby undermine them. The analytical point here is to show how securitizations are not only struggles over the “true” meaning of security, but that they “articulate and invest in social relations certain imaginations of the political” and thereby envision “the political organization of social relations” (Huysmans, 2006, pp. 11, 13).

#### **2.2.4 The nature of (in)security**

Huysmans engages in the debate concerning the nature of security and especially whether security signifies an existential danger. As noted above, the original securitization theory conceptualized security in this manner. The authors of the original theory derive the threshold to existential danger from international security studies and use the threshold as a device with which to identify authentic securitization moves (Buzan et al., 1998, p. 21; Wæver, 1995, pp. 52–53). Conversely, a reference to danger is not a securitization move if it is not alleged to threaten the very survival of the referent object in question. This position has drawn much criticism from those who share the idea of security as an artificial status but hold that it operates through other modalities besides the existential one. In spite of this, Ole Wæver (2011, p. 468) has warned against straying from the “tight conceptual core” of securitization theory – i.e. speech acts alleging existential danger – because it is precisely the fixed form that makes it possible to identify securitization moves in any given sector. He responds to a critique from Huysmans by asking: “If the securitization form is the definition that allows us to ‘observe’ security, how does he then

see these new forms of security and know that they are security?” (ibid., p. 473). The question deserves an answer if securitization theory is to be used in later chapters.

The critique of the existentialist framing of security arises from both empirical and theoretical sources. For example, in her analysis of the securitization of the African continent by the Blair government in the United Kingdom, Rita Braahmsen (2005, p. 71) posits that the gravity varies in a scale ranging from risk to fear, without ever reaching existential gravity. She sees securitization more as a mundane risk management based on policing, rather than soldiering (ibid.). Similarly, Scott Watson (2011) argues that an a priori commitment to security as an existential danger would ignore the routinized state practices taken in emergency situations. In his view, security arises from a “threat-urgency modality” rather than existential gravity (ibid., pp. 7–8). Claudia Aradau (2008) advances a more theoretical critique, but ends up adopting a conception of securitization that resembles the previous two. For her, securitization can refer to “undesirable events”, which trigger security measures that may not always amount to extraordinary measures envisioned by the original theory (ibid., p. 91). Following James Der Derian, then, she rejects the a priori commitment to security as an existential danger as unfounded (ibid.)

Despite the differences, the crux of these critiques seems to boil down to the same problem: a theory of securitization that is built on an a priori commitment to security-as-existential danger is only nominally nominalist because on the one hand it maintains that the theory is agnostic of what ought to be securitized, while on the other it predefines security as implying existential insecurity by default (Buzan et al., 1998, p. 34). Here, the problem is, as Felix Ciută (2009) has noted, that such ambivalence might result in a situation where the analyst’s conception of security supersedes that of the securitizing actor. The critique points out that irrespective of the inherent agnosticism, the analyst has a say in what constitutes security after all. This is precisely what happened, as noted in the previous section, when the authors of the original theory stated that humanitarian intervention and peace operations do not fall within the purview of securitization theory.

### **2.2.5 Existential and diffuse securitization**

Jef Huysmans has engaged in this debate by developing the idea of two modalities of securitization: an *existentialist* and a non-existentialist, *diffuse* mode. With regard to the



former, Huysmans (1998b) was among the first, along with Michael Williams (2003), to point out the family resemblance between securitization theory's existential threat and the political theory of Nazi Germany's crown jurist Carl Schmitt.<sup>7</sup> Huysmans used Schmitt's (1985) "political theology" to elaborate the concept of the political in securitization theory. Schmitt's theology holds that the true marker of sovereignty is the capacity to decide on the state of exception, which is triggered by the identification of a mortal enemy. For Schmitt (2007, p. 35), the declaration of a mortal enemy distinguished politics from other spheres of life – it was constitutive of the political.

Huysmans (2006, pp. 135–136) combined this theology with securitization theory by arguing that a successful assertion of an existential danger can open up a "passage to the limit" where the rules of the standing order lose their meaning and the polity is reimagined in terms of enmity. Later, he examined two mechanisms through which existential securitization works to bring forth the state of exception. He argued that the intensification of insecurity and enemy construction à la Schmitt materializes by pushing the boundaries of the law and by paving way for the militarization of society through an increase in state's repressive capacities (Huysmans, 2014, pp. 41–59). The mechanisms underline how misleading a strictly Schmittian conception of security is; it asserts that securitization is the rendering of the standing order null and void when securitization in the existential mode might in fact bring about a state of exception without ever nullifying the standing order.

In a nod to the critiques aimed at the a priori commitment to security-as-existential danger, Huysmans has also developed ideas on diffuse domains of insecurity, where securitization functions through other mechanisms than intensification and designation of mortal enemies. Risk is a key concept here. Following Ulrich Beck's (1992) ideas on "risk society", security scholars have also started to think international security in terms of risk, even to the extent that this has resulted in speculations about a nascent field within security studies (Petersen, 2012).

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<sup>7</sup> It ought to be noted that whereas securitization theory and critical security scholars more broadly hold that security is detrimental and that normal mode of politics is preferable to securitization (Buzan et al., 1998, p. 29), absolute sovereignty and the politics-as-enmity was the ideal for Schmitt. Schmitt's concept of the political is an inspiration for critical study of security precisely because it so neatly captures the detrimental aspects of security. Ole Wæver (2011) has specified that the concept of the political in securitization theory is Arendtian, while the concept of security is Schmittian.

Mikkel Rasmussen (2001) was among the early IR scholars to employ Becks' ideas on risk to reflect upon what Rasmussen called "reflexive security". In Rasmussen's view, what is characteristic of this risk-based security are the emphasis on management and pre-emption, rather than elimination, of problems as the mode of government. Emphasis on prevention privileges future-oriented scenario-thinking. Reflexive security combines these features with the fear of policy solutions backfiring, which ends up harming those attempting to manage problems. This fear motivates the management-oriented approach to government. The logic is that even if policies were able to solve the original problem, they still result in collateral problems. Thus, in the age of risk, politics is never finished, and problems can only be managed.

Huysmans' concept of diffuse insecurities builds on similar ideas. He takes notice of how the language of uncertainty has spread across international affairs thus making risk management the primary mode of governing. The risk management mode expands security agendas almost uncontrollably because the uncertain, that which cannot completely be known, becomes the insecurity to be pre-empted (Huysmans, 2014, p. 79). Pre-emption mode does not abolish the boundary between security and non-security but contests it and makes it more porous. Securitization in its diffuse mode is no longer a process of intensification of danger, but of accumulation of uncertainty (*ibid.*, p. 88). More specifically, securitization in this mode functions by accumulating uncertainty, which weaves suspicion into "a network of signification" that ultimately amounts to diffuse securitization (*ibid.*, p. 109).

Huysmans develops the notion of diffuse insecurities in the context of surveillance technologies, but the key point for the present thesis is that securitization can work through different modalities. The difference between existential and diffuse modes of securitization is thus that the former institutes a state of exception by asserting an impending existential danger, which then justifies the stretching of boundaries of law and the militarization of society; whereas the latter constitutes insecurity by accumulating suspicion, which tends to undermine checks and balances of public authority. They both introduce violence, fear and anxiety into political and social life.

This reading of the the two modes of securitization is fairly dichotomous. As Huysmans notes, however, this is not to be understood as the replacement of unimodal securitization with bimodal. It cannot be ruled out, for example, that the two work simultaneously and

blend into one another even in one context (Huysmans, 2014, p. 181). It is therefore perhaps best to combine Huysmans' existential and diffuse modes of securitization with Abrahamsen's (2005) and Watson's (2011) critique, and conclude that securitizations are recognizable by their assertion of insecurity, but the gravity of threats and risks grow on a scale ranging from uncertainty and suspicion to existential insecurity. This thesis does not develop a yardstick for measuring the gravity of various assertions of insecurity that are articulated in the Protection of Civilians reports of the United Nations. Rather, the point was to present a more nuanced understanding of securitization than that which limits securitization to survival. This way, the myriad of insecurities that the Secretary-General's reports on the protection of civilians in armed conflict portray can be understood as part of the securitization of the UN POC.

To summarize this reading of Huysmans' securitization theory, 1) it begins by relocating securitization from public spectacles and discourses to the more anonymous workings of security experts and governmental techniques of security that are used to counter insecurities. 2) The outcome is a redefinition that expands the conduit for securitization from discourses to practices. 3) The modified securitization theory emphasizes the role of politics of (in)security in the analysis by highlighting how security is implicated in the organization of social and political relations. 4) Finally, the theory reconceptualizes the nature of (in)security so that it includes insecurities of less-than-existential gravity. Securityness is defined by identifying the assertions of threat–urgency modality, not the assertions of existential dangers. This inclusion of the concept of risk into the vocabulary of securitization theory further underlines how indirect possibilities of harm might become the object of security techniques.

This section closes by paraphrasing Huysmans (2006, p. 153): *securitization* in the present thesis *refers to a multidimensional process by which discourses – such as expert knowledge, policy definitions and guidelines, discourses of danger – and institutional practices – such as reporting, monitoring, and police and military techniques – frame an issue in terms of a threat–urgency modality, which entails changes in the broader constellation of social and political relations.* The next section discusses methodological matters in light of this definition.

### 2.3 Methodological underpinnings and research materials

The basic methodological premise of this thesis arises from the problem with which discourse theorists and analysts have struggled for a long time. Namely, how to explain the power of discourses – how might mere language have effects in the real (for an explication of this problem, see Holzscheiter, 2014). Academics ranging from discourse analysts to IR scholars have turned to the analysis of social practices to remedy the problem (e.g. Bueger & Gadinger, 2015; Fairclough, 2003). The basic idea is, as suggested in the previous section, that practices empower discourses. For example, the discourse of law gets its force when state's enforcement machinery implements it. Similarly, the discourse of Protection of Civilians gets effects in the real when the UN embeds the discourse into a policy programme and instructs peacekeepers to obey it. To understand the securitization of violence against civilians, both must be examined.

How to do this and where to begin? I propose to start with *problematizations*. Problematization refers to the relatively rare moments when the “conduct of conduct” is called into question in terms of a specific ensemble of discourses and practices, that is in terms of a *dispositif* (Dean, 2010, p. 38). These are the moments when something (re-)emerges as a problem of government, something that must be controlled and therefore also known. For example, as will be discussed in Chapter 4 below, the second-ever peace operation in the Congo realized that it must rethink the principles regarding self-defence and use of force because of the escalating violence in the area of deployment. The outcome was an innovative redefinition of self-defence to include defence of mission mandate and to use force to maintain order. As such, problematizations are not mere representations calling for government for they also enable government. They do so by making the problem at hand intelligible in a specific manner, which then enables governmental intervention. (Aradau, 2008, pp. 3, 15, 18.)

In the chapters below, I use this concept of problematization together with the securitization framework. Securitizations, as defined above, consist of discourses and practices that frame an issue in terms of threat–urgency modality. Particularly the last part of the definition of securitization is important for the identification of securitizations. Thus, *I look for the relatively rare moments in time and place where something is called into question in terms of threat–urgency modality, which then serves as the starting point for further analysis*. Once the moments have been identified, it is possible to move on to analyse the specific discourses, practices and rationales that have emerged from the

problematizations. In the quasi-empirical chapter four, I do so through a historically oriented analysis of the emergence of civilian protection and other trajectories that have shaped peacekeeping. Chapter five, in turn, is in effect one massive problematization, as it comprises of the insecurities identified in the UN Secretary-General's reports on the protection of civilians in armed conflict.

I apply this procedure on key UN documents concerning Protection of Civilians and peace operations more generally. The primary research materials consist of 15 POC reports published between 1999 and 2019, seven POC aide-mémoires published between 2002 and 2018, the peacekeeping POC policies from 2015 and 2019 as well as the supplementary guidelines for military and police components published in 2015 and 2017 respectively. I supplement these with other relevant documents, such as Security Council resolutions and statements, Secretary-General's reports, peace operations' operational directives, peacekeeping data provided by the UN Peacekeeping database, and policies and guidelines authored by the Departments of Peacekeeping Operations and Field Support. The documents were retrieved from the United Nations Dag Hammarskjöld Library, the Official Document System of United Nations, and, in case a document was not available in these databases, it was retrieved by through online searches.<sup>8</sup>

The POC reports are the UN's primary source of knowledge on violence against civilians in armed conflict. The aide-mémoires, along with Security Council resolutions, are normative documents, though they are not equally binding. The aide-mémoires tell the Council where to focus when considering matters of civilian protection, but they also store the consolidated language and references to important resolutions on the subject. This ensemble of research materials has some blind spots. For example, Secretary-General publishes reports on conflict related sexual violence, women, peace and security, and children in armed conflict – all are pertinent to civilian protection. This thesis considers protection of civilians only at a general level, however. These sub-discourses are beyond the scope of this thesis.

The POC policies and their supplementary guidelines, finally, comprise the materials that the UN uses to incorporate a civilian protection perspective to the quotidian travails of peace operations. They tell peacekeepers how to collect intelligence in the field and how

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<sup>8</sup> For links, see United Nations (n.d.-a, 2016).

to act on it, how to intervene in different kinds of situations, how to deal with local authorities, how to create a protective environment and so forth. The policies and guidelines offer advice for the practical realization of protection. They are thus vital for understanding the practices of protection and their underlying rationales.

The practical method I use to analyze these materials is *theoretically informed, qualitative content analysis*. It is theoretically informed because the points of interest in the research materials are primarily identified with the use of the notion of problematization and securitization theory more broadly. The notable exception to this general rule is chapter 5, in which the reasoning is more inductive. The section focuses on insecurities, which is a theoretically informed choice, but the insecurities themselves arise from the research materials. This is the only section that (subtly) nods at the direction of quantitative analysis with its use of frequencies (see Hermann, 2008) to identify the distribution of insecurity sub-discourse across time. Here, I analyzed the research materials by the using qualitative data analysis software NVivo. After perusing the documents, I coded the insecurities in NVivo and marked their appearance and disappearance in the reports. The results are visualized in Table 5.1 below. I validated the distribution of sub-discourses by using NVivo's text search query. The software enables the researcher to view the query results in context, which in turn allows one to ensure that the findings are pertinent.

To conclude, the value of the conclusions drawn from the analysis does not derive from the generalizability of the results and they do not build into a grand theory of international intervention, peacekeeping or civilian protection. The value of this thesis lies in the "analytical narrative" which the conclusions comprise (Jackson, 2011, pp. 115, 142). In other words, the variant of securitization theory and the problematization procedure presented above are used to organize observable facts concerning UN peace operations and civilian protection so that they form a consistent explanation of a specific phenomenon. In short, they produce an analytical narrative which, I hope, renders the securitization of violence against civilians comprehensible.

### 3 Protection of civilians as a contested concept

The phrase Protection of Civilians has been in use in international affairs at least since 1923 (Mamiya, 2016, p. 65n6). In 1999, it entered the UN parlance and since then it has become a highly institutionalized doctrine guiding the initiation, management and day-to-day activities of peace operations. In spite of the institutionalization, however, the concept seems elusive – different actors speak differently of it and apply it in different ways, and a single actor may use it ambiguously. Yet, as we shall see, it is precisely this elusiveness that guarantees the concept’s value for UN peace operations. But the elusiveness also begs the question about the nature of UN POC. This chapter starts by presenting the concept and its basic components. It then examines why the meaning of POC is difficult to grasp and proposes an alternative to the more traditional approaches in order to facilitate the examination of security politics of United Nations’ Protection of Civilians.

#### 3.1 Protection of civilians as a peacekeeping doctrine

After years of development, the Departments of Peacekeeping Operations and Field Support (DPKO and DFS respectively) published the policy in 2015<sup>9</sup> that defined the POC concept as the use of

all necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government.<sup>10</sup>

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<sup>9</sup> In 2019, DPKO’s successor, the Department of Peace Operations published an updated version of the policy that supersedes the version examined here (DPO, 2019). The differences between the policies are merely cosmetic, and the key components remain the same or highly similar, which is why the examination here is based on the 2015 policy. The updated version will be referenced when pertinent. The key similarities include: three tiers and four phases of protection; the definitions of POC and the concept “civilian” are almost identical; DPO maintains UN POC is “grounded in international law” and that the policy is consonant with peacekeeping principles; POC is a mission priority; the caveats to POC mandate are the same; it emphasizes the need for a comprehensive approach that includes cooperation with e.g. humanitarians; and finally, the policy retains the idea of exhaustion of peaceful means to protect and permits the use of force against host state’s authorities when needed.

<sup>10</sup> DPKO & DFS (2015b, para. 13). The 2019 definition reads: “without prejudice to the primary responsibility of the host state, *integrated and coordinated activities by all civilian and uniformed mission components* to prevent, *deter* or respond to threats of physical violence against civilians within the mission’s capabilities and areas of deployment through the use of all necessary means, up to and including deadly force” (DPO, 2019, para. 18). The differences are italicized. The elements that are new to the definition were present in the 2015 policy but were not just included in the definition. The changes are thus superficial as they do not vest peacekeepers with new responsibilities or rights, nor expand the already existing ones.

As a “whole-of-mission activity”, POC tasks belong to civilian, police and military components, who are to collaborate with humanitarian actors, to engage with communities and to take special concerns regarding women and children into consideration when planning and implementing the tasks.<sup>11</sup>

The expression “all necessary means” suggests a variety of techniques ranging from peaceful to less-than-peaceful. The expression “threats of physical violence”, on the other hand, includes all threatening things arising from whatever source that may result in “death or serious bodily injury”.<sup>12</sup> Moreover, peacekeepers are expected to protect civilians “no matter the scale of the violence and irrespective of the source of the threat”.<sup>13</sup> The concept “civilian”, in turn, refers to anyone who does not belong to armed forces or groups and does not directly engage in combat or has stopped doing so.<sup>14</sup> Together, the components of the definition suggest a broad agenda of protection. It entails the use of force even against even the host state’s authorities or participation in an armed conflict if necessary.

As Doucet (2017, pp. 115 – 118), too, notes, the policy acknowledges that UN cannot protect all civilians at all times. Therefore, several caveats have been included in the policy: First, echoing language familiar from the Responsibility to Protect (R2P) concept, the policy states that peace operations’ mandate does not prejudice the *host state’s primary responsibility to protect*, which the peacekeepers are not to assume out of their own accord.<sup>15</sup> Second and third, peacekeepers are to protect civilians only *within the limits of their capacities* and *area of deployment*. This is to say peacekeepers are not obliged to respond to situations beyond their physical reach or equipment (e.g. civilian UN personnel are not expected to tame armed perpetrators).<sup>16</sup> Fourth, sometimes the Security Council limits protection to *imminent threats*, although the meaning of “imminent” is unclear.<sup>17</sup> Finally, what Doucet seems to miss, is the decision to protect must be based on

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<sup>11</sup> Ibid., paras. 24–29.

<sup>12</sup> Ibid., para. 15.

<sup>13</sup> Ibid., para. 20.

<sup>14</sup> Ibid., para. 14.

<sup>15</sup> UN General Assembly (2005, paras. 138–139).

<sup>16</sup> DPKO & DFS (2015b, paras. 18, 20). “Area of deployment” is defined only vaguely in the DPKO policies and guidelines. The 2015 policy and the military guidelines merely state that peacekeepers cannot protect civilians at all times, whereas the 2019 policy acknowledges that a missions geographical reach may be limited (DPO, 2019, para. 25).

<sup>17</sup> Imminence of the threat refers not to how close at hand the threat is in its incidence, as the word is usually defined, but to its identification: “A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists” (DPKO & DFS,



a *cost-benefit calculus* that takes into consideration the “nature of the threat and risk to civilians”, “the missions ability to address the threat”, “comparative advantages and expected impact”, as well as “possible negative consequences of its actions or inactions”.<sup>18</sup> Thus, in spite of the definition presented above, the protection promised by the policy is not universal after all.

The UN has realized, moreover, that civilians’ expectations sometimes exceed the UN’s ability to protect, which then can undermine the operation’s credibility and ultimately its success. In order to bring the reality of protection and expectations closer to one another, the authors of the policy have incorporated “expectations management” into the policy.<sup>19</sup> Expectations management is aimed at the civilian populations, local authorities and host governments. Its purpose is to clarify the limits of protection in light of international humanitarian law (IHL), human rights law and the caveats listed above. The policy proposes that public perception of and confidence in the mission ought to be monitored through surveys.

Finally, the protection programme itself is divided into three non-hierarchical and non-sequential tiers,<sup>20</sup> which roughly equal to diplomacy, peacekeeping and peacebuilding. The first tier consists of *dialogue and engagement* with local authorities, parties to the conflict and other relevant actors. The goal is to mitigate harm to civilians by mediating conflicts between these actors, by persuading them to avoid harming civilians, and by convincing them to take steps to protect civilians. The second tier, *provision of physical protection*, comprises forceful measures with which threats of physical violence are to be prevented, deterred, pre-empted. The last tier is concerned with the *establishment of a protective environment* through societal and institutional reform within the host state.

The tiers are then located within a framework of four distinct operational phases defined in terms of the immediacy of the threat: *prevention, pre-emption, response* and

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2015b, para. 47). The language of imminence is not included in the policy’s definition of threat (para. 13), but it is sometimes used by the Security Council (e.g. resolution 1270, see UN Security Council, 1999c, para. 14).

<sup>18</sup> DPKO & DFS (2015b, para. 49). Doucet (114) does notice the reliance on risk assessments but he does not connect it with the caveats.

<sup>19</sup> DPKO & DFS (2015b, Annex A, p. 12). In the 2019 policy, expectations managements is explicitly listed under tier one as part of public information activities and strategic communications (DPO, 2019, para. 53).

<sup>20</sup> Ibid., para. 30.

*consolidation*.<sup>21</sup> The preventive phase is one in which threat to civilians is still emergent and its materialization can be prevented by means of dialogue and engagement. When a threat has been identified, protection enters pre-emptive and responsive modes. The former concerns situations where harm can still be avoided through pro-active means, such as posturing for deterrence, whereas the latter refers to situations where an ongoing infliction of harm is to be halted by force, if necessary. In post-conflict situations, civilian harm is to be mitigated by initiating and supporting reconciliatory processes, by providing development assistance and by aiding in reforming state institutions that guarantee the security of civilians.

According to the policy, peace operations are to prioritize the phases of prevention and pre-emption as well as the host state's responsibility.<sup>22</sup> Prevention and pre-emption necessitate a future-oriented approach to protection that can react to protection needs before the occurrence of actual violence. In other words, the policy calls for a risk-based approach. The orientation toward future is manifest in the policy's call for early warning assessments, alignment of all political and security assessments with POC goals, monitoring of human rights and IHL violations, identification of vulnerable groups and communities, and the creation of a POC threat matrix for the identification of priority threats.<sup>23</sup> The information produced through these procedures can then be used to steer the actual prevention activities, such as patrolling, in the field. This will be done in accordance with the fifth caveat to the protection policy, namely, the cost-benefit calculus, which sets the risk to civilians in proportion to the risk to peacekeepers.

## **3.2 Protection of Civilians as a contested concept**

### **3.2.1 The law and policy of POC**

What, in fact, is United Nations Protection of Civilians? Many analysts have taken notice of the overlapping and even contradictory articulations of the POC concept. Hugh Breakey (2012a), for instance, deduces four kinds of civilian protection – combatant POC, peacekeeping POC, Security Council POC, and humanitarian POC – from the praxis of different actors. Victoria Holt and Tobias Berkman (2006, pp. 37–42) deduce for their part three broad categories and six subcategories of protection from military and civilian uses

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<sup>21</sup> Ibid., paras. 31–32.

<sup>22</sup> Ibid., para. 30.

<sup>23</sup> Ibid., paras. 34–50.

of POC concept. Damian Lilly (2012), finally, treads on a similar path and distinguishes between peacekeeping and peace enforcement POC. Yet, each of the analyses start from the premise that POC rests on a solid conceptual foundation. Writes Breakey (2012a, p. 57): “Across all these perspectives, the core concerns of POC remain the same – the protection of the basic rights of non-combatants, as specified in IHL, from threats caused by large-scale violence.” In spite of the differing conceptions of POC, the analysts hold that there is a solid core to the concept, an essence, that separates it from other concepts.

In a report from 2012, Secretary-General defines POC with a similar confidence as “a *legal concept* based on international humanitarian, human rights and refugee law”.<sup>24</sup> The POC policy characterizes the policy as “grounded in international law”, which “should be implemented in both the letter and spirit of these legal frameworks”.<sup>25</sup> There are further intertextual elements between UN POC and IHL: The former borrows its name from the legal instruments of IHL, that is the fourth Geneva Convention of 1949 and the two additional protocols to the Geneva Conventions of 1977.<sup>26</sup> The UN also uses other well-established terminology of IHL, such as the concepts of the civilian<sup>27</sup>, “neutrality” and “impartiality”<sup>28</sup>. In addition to the intertextual elements, the UN acknowledges its own influence on the concept, too: “The majority of the tasks mentioned in this policy are well-established activities in UN peacekeeping and many of them have been mandated and implemented for well over a decade.”<sup>29</sup> In sum, it would appear that in the UN’s view, UN POC is at least built on the legal foundation of IHL. A program for the implementation of the law.

The inter-textual elements between international law and the POC policy and its supplementary guidelines for military and police components seem shallow at times,

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<sup>24</sup> UN Secretary-General (2012, para. 21 – emphasis added).

<sup>25</sup> DPKO & DFS (2015b, para. 17).

<sup>26</sup> Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. Available at: <https://www.icrc.org>.

<sup>27</sup> Like IHL, UN POC defines ‘civilian’ in the negative by delineating what it is not (DPKO & DFS, 2015b, para. 14; see also Geneva Convention IV, art 3.1; Protocol I, art. 50; Protocol II, art. 4.1). “Civilian” is an established concept in customary IHL as well (International Committee of the Red Cross, 2005).

<sup>28</sup> Neutrality and impartiality are used for example in connection with the “Protective Powers” and civil defence organizations that are appointed to implement the conventions and their protocols in times of international armed conflict. Principles of impartiality and neutrality set Protective power and civil defence organizations apart from the parties to the conflict. See Protocol I, arts. 2, 5, 61–62, 64, 67; see also the commentary on said articles in International Committee of the Red Cross (1987).

<sup>29</sup> DPKO & DFS (2015b, para. 10).

however. While concepts such as “civilian” are direct loans from IHL, references to the fourth Geneva Convention and the additional protocols and to international refugee and human rights law are rare and superficial at best: the rare references to international treaties under the heading “Normative or superior references” are included in the POC guidelines for police components from 2017, but specific articles are not cited in the main text and references are usually assurances of commitment to uphold the law. The POC policy and guidelines for military components refer exclusively to UN documents.<sup>30</sup>

The scarcity of specific references to IHL may result from the fact that the conventions and their protocols give very few indications as to what civilian protection by third parties to the conflict might look like. In fact, no article in the Convention and Protocols provides for the kind of protection programme that the UN POC envisions. One of the rare articles in the fourth Geneva Convention and Additional Protocols that do envision active protection measures, is article 61 of Protocol I (see also International Committee of the Red Cross, 1987, paras. 718–744), which stipulates that civil defence organizations must be established to take proactive measures to protect civilians. However, they may not interfere in the conflict itself. But this is not how civilian protection looks like under the UN POC as peacekeepers may be expected to interfere in conflict and even go against the authorities of recipient states.

What the fourth Geneva Convention and Additional Protocols actually do is that they open up the possibility of action. Article 89 of Protocol I on “co-operation in matters pertaining to populations in the power of a party to the conflict” provides that “[i]n situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter.” A commentary based on the preparatory work of the diplomatic conferences and published by the International Committee of the Red Cross argues that the “actions to which Article 89 refers may consist of an appeal to respect humanitarian law... setting up enquiries on compliance with the Conventions and the Protocol and even, *where appropriate, of coercive actions which may include the use of armed force* (International Committee of the Red Cross,

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<sup>30</sup> DPKO & DFS (2017b, p. 24). The superior references include UN Nations Charter, Universal Declaration of Human Rights, International Humanitarian Law (Geneva Conventions of 1949 and Additional Protocols of 1977), International Covenant on Civil and Political Rights. It is also noteworthy that none these instruments, let alone specific articles, are invoked in the body text.

1987, para. 3597, emphasis added). It would thus seem that the provisions in article 89 confirm the broad discretionary powers that the UN Security Council enjoys in matters of international peace and security as per the UN charter. Still, Protocol I applies exclusively during *international* armed conflicts and the unclear relation between UN POC and IHL remains.

The confusion seems to emanate from two discrepancies between the UN POC and POC under IHL: different visions of protection and different praxes and scope of protection. As the reference to article 61 of Protocol I above suggests, there is no vision as to how third parties might protect civilians without becoming parties to the conflict themselves. Neither is it clear that they even should engage in the protection of civilians. The UN has filled this void by resorting to its own conflict management techniques that have emerged during peace operations and legitimized them primarily through Security Council resolutions (these developments are discussed in chapter 4).

Differences of praxis and scope arise, firstly, from the fact that Geneva Conventions and their additional Protocols apply *only* in times of international and non-international armed conflict,<sup>31</sup> whereas other times are governed by other legal bodies. The protection programme envisioned by the UN POC is more ambitious than that of IHL, however, as it includes *pre-* and *post-*conflict situations (phases one and four), in which IHL does not apply. Furthermore, nothing in the POC policy nor Security Council practice suggest that the application of UN POC is limited to armed conflicts, because the POC policy is triggered by a Security Council mandate that is a response to *a threat to or a breach of international peace and security*, whose existence the Council alone can determine, as per article 39 of the UN Charter. This is supported by the existence of peace operations that have been mandated under Chapter VII of the Charter in response to a threat to

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<sup>31</sup> According to an International Committee of the Red Cross opinion paper, an international armed conflict occurs when “one or more States have recourse to armed force against another State, regardless of the reasons or the intensity of this confrontation” (2008, p. 1). Non-international armed conflict is defined differently by common article 3 of the Geneva Conventions and article 1 of the Protocol II. Within the meaning of the common article 3, non-international armed conflict may involve governmental armed forces and non-governmental armed groups or non-governmental groups only. The threshold of existence for non-international armed conflict is a certain level of intensity and the level of organization of non-governmental forces. (ibid., p. 3.) The definition in Protocol II is more restrictive: non-international armed conflict can, firstly, exist *only* between governmental and non-State armed groups, and second, non-governmental forces must be able to exercise sufficient degree of territorial control in order to count as a party to conflict. (ibid., p. 4.) The restrictive definition is relevant only for the application of Protocol II and opinio juris on IHL is that “non-international armed conflict not fulfilling the criteria of Protocol II” do exist (ibid.).

international peace and security but ostensibly not in response to armed conflict.<sup>32</sup> In sum, the goals and temporal scope of protection in IHL and UN POC policy differ from each other and the connection between IHL and the policy seems ambiguous. Consequently, IHL cannot thus be the primary source of legality for UN POC (but by grace of Security Council's supremacy it can still be legal).

Considering these discrepancies, the overlap between the UN's and international humanitarian law's POC language is likely to result from some other source than an essential connection. More specifically, it would appear that the legal language of IHL legitimizes UN POC by embedding it into the pre-existing civilian protection discourse that wields the authority of international law. The legal language thus serves as a "cloak of legality" (Neocleous, 2008, p. 70), which obscures the uncomfortable fact that bending the sacrosanct rule of sovereign integrity in the name of civilian protection is not so much about the impartial administration of justice, as it is about the exercise of power.

The point here is not to deny the legality of POC as articulated in the Geneva Conventions and their additional protocols. Neither is it to assess the legality of UN POC. Instead, the purpose of this sub-section was to point out the essential difference between the Protection of Civilians that is codified in the Geneva Conventions and their additional Protocols on the one hand, and the Protection of Civilians formulated in the United Nations policy documents and reports on the other. *The difference is that between law and policy, an abstract principle and a plan with which the principle is applied in the real.* Thus, as the sub-section has demonstrated, while the UN POC is quite far apart from the POC of IHL in letter, it does not exclude similarities in spirit. The masquerading of the UN POC as a legal concept, however, is problem because it obscures what the different conceptions of protection do politically – who or what it empowers, which actions it privileges as reasonable and which actions it rejects. This is also the problem with the

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<sup>32</sup> Consider for example the last UN operation in Haiti, which includes only police forces and civilian personnel whom the Security Council mandated to "protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, as needed" under Resolution 2350 (2017, para. 13). The operation is also mandated to for example "assist the Government of Haiti to strengthen rule of law institutions in Haiti; further support and develop the [Haiti National Police]; and engage in human rights monitoring, reporting, and analysis" (ibid., para. 6). While it is possible that the armed FPU's find themselves in situations that amount to armed conflict within the meaning of IHL, it would be far-fetched to argue the operation is by default involved in an armed conflict when the operation is engaged in state-building with no military boots on the ground.

analyses presented at the beginning of this sub-section; they, too, take the rationale of protection as a given.

### **3.2.2 POC and discretionary power**

What use, then, does the UN POC have? As noted previously the fourth Geneva Convention is vague about the exact measures the UN is allowed to take. The UN Charter stipulates, on the other hand, that the Council has the primary responsibility of maintaining international peace and security (art. 24.1), the prerogative to determine “the existence of any threat to the peace, breach of the peace, or act of aggression” (art. 39), and the authority to use all peaceful and coercive means necessary to restore peace (arts. 41, 42). The Security Council’s primacy in matters of international peace and security is constrained only by Article 2.7 that prohibits the UN from intervening in matters that fall “essentially within the domestic jurisdiction of any state”. However, Article 2.7 shall not prejudice the application of Chapter VII measures (arts. 39–51). This is to say that the Council may resort to force if it determines that international peace and security is in jeopardy. There is no meaningful legal recourse with which to challenge the Council’s decisions (Johnstone, 2016). Theoretically speaking, the Security Council thus has broad discretionary power to decide when, where and how international peace and security should be restored.

What then constitutes a threat to international peace and security? Even though there is a degree of inconsistency in the Council’s declarations of threats to peace and security (Hehir, 2013), determining the existence of a threat does not happen (completely) at random. Certain patterns are discernible across eras. During the Cold War, for example, Chapter VII articles were rarely invoked and in case they were, this was done only tentatively. References to “threat to the peace, breach of the peace, or act of aggression”, as article 39 of the Charter puts it, were primarily reserved for intra-state armed conflicts (Welsh, 2004, p. 178). After 31 January 1992, however, the Security Council relaxed its conventions as the Council President declared that

[t]he absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to international peace and security.<sup>33</sup>

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<sup>33</sup> UN Security Council (1992a, p. 3).

Henceforth, international insecurity would include a variety of sources of instability on grounds of which the Council could exert its authority.

Secretary-General followed suit and endorsed a similar attitude on 17 June 1992 in his seminal peacekeeping document *An Agenda for Peace*:

The sources of conflict and war are pervasive and deep. To reach them will require our utmost effort to enhance respect for human rights and fundamental freedoms, to promote sustainable economic and social development for wider prosperity, to alleviate distress end to curtail the existence and use of massively destructive weapons.<sup>34</sup>

To achieve this, the Agenda goes on to argue that successful management of international peace and security will require adequate post-conflict peacebuilding. This would include measures for improving disarming former combatants, for example, but also the improvement of governmental institutions and facilitation of political participation.<sup>35</sup> The expansion of the meaning of international peace and security will be analysed in greater detail in the concluding section of Chapter 5.

The political significance of opening the concept of international peace and security in 1992 is that it rendered the concept indeterminate, because various issues from non-military sources can be interpreted to threaten international peace and security. The reinterpretation together with Council's discretionary powers discussed above are mutually reinforcing developments as they allow the Council to expand its jurisdiction and to take more matters into its hands. This is underlined by the absence of meaningful legal recourse with which to challenge Council's rulings. Moreover, article 12 of the Charter is also relevant here as it prohibits General Assembly from making any recommendations on a matter of which the Council is seized, unless Council so explicitly requests. In short, the practical consequence of the reinterpretation, coupled with these institutional characteristics, centralize power over matters conceived as matters of peace and security into the Council's hands.

Secretary-General's subsequent endorsement of Council President's statement is of equal political significance. *An Agenda for Peace* argued for the expansion of collective security instruments so that they allow intervention at every stage of conflict – before, during and after. The idea contained in the *Agenda* is that with proper engineering, peace can be

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<sup>34</sup> UN Secretary-General (1992a, para. 5).

<sup>35</sup> *Ibid.*, paras. 55–59.



fostered. The UN, and Security Council in particular, had thus become “the technician of peace”, as one early analyst noted (Koskenniemi, 1995, p. 344). Few years later the UN discourse Protection of Civilians emerged to offer the technician a manual for fostering peace by elaborating what is violence against civilians, how it threatens peace and security, and how to foster the latter.

As will be elaborated in Chapter 5 below, the POC policy is largely in line with the Council President’s reinterpretation of international peace and security and Secretary-General’s *Agenda for Peace*. The utility of the UN POC and the POC policy is thus that it reinforces the Security Council’s discretionary power over matters of peace and security. If the permissibility of an intervention depends on the existence of a threat to international peace and security, then the widened conception of peace and security, which is echoed in the POC policy, facilitates the reinforcement. Thus, even if the formal rules of the contemporary world order remain unchanged – that is, the UN Charter is not renegotiated – the limits of sovereignty do in fact change because UN POC centralizes more authority to the Security Council.

### **3.2.3 The UN POC as a dispositif**

The centralization of authority is a major component of the politics of UN POC that the remainder of the thesis analyses. To facilitate this line of inquiry, two conceptual moves are proposed here and substantiated in later chapters. The first one is to conceive of UN POC as *institutionalized securitization*. The thesis starts from the premise that violence against civilians in general has indeed been securitized. The relevant markers (Buzan et al., 1998, pp. 24–26) are visible: a securitizing actor (Security Council) has designated violence against civilians as a threat to international peace and security in numerous case-specific and thematic resolutions,<sup>36</sup> which have justified the use of extraordinary measures with the consequence that inter-unit relation have been altered.<sup>37</sup> The securitization of violence against civilians in the context of peacekeeping is examined in greater detail in Chapter 4.

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<sup>36</sup> The first thematic resolution to elevate violence against civilians onto the Council agenda was resolution 1265 (UN Security Council, 1999b). Case-specific resolutions are examined in the next chapter.

<sup>37</sup> While the securitization of individual instances of violence against civilians is subject to a case-specific Security Council resolution where violence is declared to threaten peace and security, which itself is the outcome of “a unique constellation of necessarily temporal factors” (Hehir, 2013, p. 156), the fact that violence against civilians in general has been adopted to the Council agenda means that the protection of sovereign integrity protection by article 2 of the UN Charter has in general been relaxed. It does not mean that every instance of violence against will result in response by the UN, but that this is always possible.

Violence against civilians is also institutionalized in the way that securitization theory uses the word (Buzan et al., 1998, pp. 27–28): it has been incorporated into the Security Council agenda and the Council has even established a distinct vernacular for dealing with the issue, as is indicated by the Secretary-General’s POC reports and the POC aide-mémoires that the Council consults in matters of civilian protection. The latter has even appended selected language from previous resolutions to ensure consistent use of language in future resolutions.<sup>38</sup> These matters are further examined in chapter five. Furthermore, as a result of its incorporation into the UN’s peace and security agenda, peacekeeping has been recalibrated to better protect civilians. Thus, the UN has its standing bureaucracy that deals with violence against civilians, a matter that the securitization theory identifies as one marker of institutionalization.

The second move is to conceptualize UN POC as a *dispositif* in the vein of Michel Foucault (1980, pp. 194–195), that is as an amalgamation of discourses and practices that are conjoined for a specific purpose in a specific point in time. Understanding this requires a step back and consideration of the general concept of protection of civilians. The present thesis starts from the premise that protection, much like “peace” (Richmond, 2005) and “security” (Buzan et al., 1998; Wæver, 1995), is an essentially contested concept (see Bigo, 2006b). There is constant rivalry over their definition. Especially in institutional contexts, the right to define is paramount because it grants its holder the ability to distribute authority and resources, for example. It is also significant because the definition of a given problem frames the solutions and means with which it is tackled. This, consequently, shapes the fate of those who become the target of these solutions and means, which, in the context of security politics, may sometimes be of fateful gravity. The significance of the definition of protection lies, thus, in the fact that it shapes the discourses and practices of protection.

Stemming from this basic premise, POC can be conceptualized as a discursive formation. It is a mesh of several differing discourses emanating from different sources and contexts that may comprise numerous and even contradictory articulations of the object in question (Foucault, 1972, pp. 21–39). Just like this non-foundational understanding of concepts allowed Foucault to understand how come medical experts and legal officers were not

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<sup>38</sup> See for example the latest aide-mémoire appended in UN Security Council (2018).

“dealing with the same madmen” between and amongst themselves throughout centuries (ibid., p. 32), it allows us to grasp why diplomats, humanitarians, lawyers, and peacekeepers alike have not been talking about or doing the same thing between and amongst themselves since the early 1920s. Indeed, different actors may nominally speak of the same thing all the while referring to a different thing, as illustrated by Breakey’s and others’ analyses.

The point is not, of course, that POC is entirely devoid of meaning, however. Rather, POC is understood here as a signifier with a degree of “thickness” in the sense that protection as a social activity implies a fixed set of social relations between a protector, a protégé and an insecurity (see Huysmans, 1998a, p. 228, also note 3).<sup>39</sup> Who or what is the protector, protégé, and the insecurity are variables subject to change, but the setting remains. In other words, the social setting implied by the word protection remains fixed, but the question “who protects whom from what and by what means?” may be answered differently again and again. And if an authoritative actor (e.g. Security Council) were to endorse one answer in particular (e.g. the answer that has become UN POC), it is this particular answer that would have real-world effects when it is implemented whereas other articulations of the same concept lose their influence.

This is the case with UN POC. As shown above, it has been adopted by Security Council, UN Secretariat and the DPKO. The mere civilian protection discourse that emerged during the 1990s has been developed into a prominent policy discourse that is articulated in the policy programmes and manuals which guide entire peace operations. UN POC is therefore understood here as a *dispositif*: *an apparatus of international executive rule that comprises both discursive (rationales, knowledge) and non-discursive (social practices) elements that are brought together at a given moment in history to serve a strategic function in response to an urgent need* (adapted from Foucault, 1980, pp. 194–195).

To conclude, UN POC is a securitization in that it has recast an issue – violence against civilians – as a matter of international peace and security. It is an institutionalized securitization in that its existence has been consolidated in numerous resolutions, reports, policy programmes and manuals. They establish a distinct language of protection and a

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<sup>39</sup> In the referenced article Huysmans speaks of security as a “thick signifier,” that is, a register of language that implies a set of social relations. Protection is understood the same way here.

set of practices that guide the work of UN and its peace operations. A distinct language and practices make UN POC a security dispositif. Securitization theory, as conceptualized in the previous chapter, is used to flesh out these claims in the next two chapters.

## **4 UN and the problematization of violence against civilians I: civilian protection, militarization, policing**

The purpose of this historically oriented and the next, discursive chapter is to examine the securitization of violence against civilians from the vantage point of *problematization*. They seek to identify the moments when the governing of international peace and security and protection of civilians in particular have been called into question. The present chapter focuses on historical developments as a result of which civilian protection has emerged on the international peace and security agenda in the form it is known today. The time frame covers the entire timeline of peacekeeping from 1956 to the present day, but for reasons of space, the analysis is cursory at times. As a general rule, when the trajectories reach the turn of the millennium, the discussion turns to doctrinal development because it is the past up to and including the 1999 that explains the present practices of protection.

As proposed in the previous chapter, UN civilian protection is a *dispositif*, an ensemble of discourses and practices of protection that has emerged over time to serve a specific purpose. This chapter traces the bureaucratic, doctrinal and institutional changes that give shape and form to the *dispositif*. It does not reveal a hidden history of peacekeeping as it relies heavily on existing peacekeeping literature. Rather, the novelty of this chapter lies in what it brings together; it presents a reading of three trajectories that have shaped UN peace operations and civilian protection. The first section charts the development of civilian protection from the 1960s until its institutionalization after the atrocities of 1990s. The next sections turn to two other processes that have shaped peacekeeping – *militarization* (increasing reliance on force and the deployment of “bigger guns”) and *policing* (the increasing role of the actor police and the activity of policing) – and concludes by showing how they are interlinked with the development of civilian protection. The next chapter continues from this by turning to the current-day discourse on the Protection of Civilians and examines how it rationalizes the practices of protection described in this chapter.

### **4.1 UN civilian protection from the early days to the present**

#### **4.1.1 The origins of civilian protection**

At the UN, peacekeeping as a distinct activity of sending an international ensemble of soldiers to monitor, support and later even enforce peace processes in states and regions

suffering from armed conflicts began in 1956 when the UN General Assembly established UNEF (United Nations Emergency Force) to intervene in the Suez crisis that had erupted between Egypt, France, Israel, and the United Kingdom.<sup>40</sup> While UNEF did not have a mandate to protect civilians nor did it undertake any such efforts, the mission was consequential for the development of UN peacekeeping on the whole because it serves as the “blueprint” of UN peacekeeping in the UN peacekeeping imaginary.

This blueprint was first articulated by the then Secretary-General Dag Hammarskjöld (1905–1961) in his summary study of UNEF. He argued that peacekeeping operations ought to be deployed only with the consent of the recipient state; that use of force should be limited to the minimum and only for self-defence; and that peacekeeping forces should retain their independence and impartiality.<sup>41</sup> In Hammarskjöld’s view, peacekeeping was clearly distinct from enforcement and it was a non-coercive measure for the restoration and maintenance of international peace and security, rather than coercive. In other words, its constitutive basis lay in Chapter VI rather than VII of the UN Charter. As a non-coercive tool for peace, use of force in peace operations was unacceptable in Hammarskjöld’s eyes because it would blur the line between peacekeeping and enforcement. By resorting to force, peace operations would overstep their statutory powers. Finally, to retain a credible posture of a neutral party keeping the peace, peacekeeping operations were to draw their troops from disinterested parties and to keep their distance to local authorities and local conflicts so that the force, nor the UN by extension, would not become politicized.

These principles became important for the UN’s self-identification in later years and key peacekeeping documents published in the 2000s portray them as the “basic principles” of peacekeeping.<sup>42</sup> The principles, and their re-definition, have been important for the militarization of peacekeeping, as will be shown in the next section, but for the present purposes, suffice it to note that the principles lost all their practical value already in the second peace operation in the Republic of the Congo. The operation, best known by its French acronym ONUC (*Opération des Nations Unies au Congo*, 1960–1964), entered

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<sup>40</sup> Having boots on the ground sets peacekeeping apart from simple observation missions. The opinion among peacekeeping scholars and practitioners is divided whether the later should be included in the analysis of peace operations. The scope is limited to the narrow conception of sending soldiers, police and civilians to make, support, and enforce peace.

<sup>41</sup> UN Secretary-General (1958, paras. 155–79).

<sup>42</sup> See e.g. the so called *Capstone doctrine* (DPKO & DFS, 2008b, pp. 31–35) and the *Brahimi report* (UN Secretary-General, 2000, para. 53).

Congo at a time when there was hardly a peace to keep; interfering neighbouring states as well as its former colonizer Belgium, whose citizens took part in the conflict as mercenaries, had pushed Congo to the brink of civil war (Orford, 2011, pp. 69–73). The chaotic situation with its dramatic incidents, such as the detention and later summary execution of the Congolese Prime Minister Patrice Lumumba by the Katangese secessionists in December and January 1960, pushed ONUC, too, to extremes.

This is first of all indicated by the development of ONUC's mandate, which had initially consisted of military assistance to Congolese state authorities with public order tasks,<sup>43</sup> but by November 1961 had evolved into de facto enforcement of ceasefires and detention of local and foreign (para-)military personnel (more on this in the section on militarization).<sup>44</sup> Secretary-General's thoughts on force followed the track declared in Security Council mandates: at first, he perceived ONUC as a force for peace, but, as violence escalated, he took more forceful measures into consideration as a result of which the nature of the operation changed (Findlay, 2002, pp. 55–57).<sup>45</sup>

Similarly, the Operations Directives, in which the force commander defines the specifics of how to perform peacekeeping tasks, evolved gradually toward force: At first, ONUC was described as a force for peace, both by goals and means. An early Directive ordered that the peacekeepers ought to tame disputes through diplomatic means. As the situation escalated, however, peacekeepers' right to self-defence was expanded so that their ability to use force was considerably broadened (although minimum force and due exhaustion of peaceful measures was still expected). They were also ordered to take more actively part in the resolution of local disputes. (ibid., pp. 58–61.)

The civil war in the Congo raised concerns over the safety of civilians, too, as they were often targeted or at least collaterally damaged by armed conflicts. As a result, Secretary-General Hammarskjöld started to take steps to protect civilians. In December 1960, by which time the Security Council had fallen into deadlock, he acted independently and authorized ONUC to take measures to protect civilians, although he did even consult

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<sup>43</sup> UN Security Council Resolution 143 (1960).

<sup>44</sup> UN Security Council Resolution 161 (1961a).

<sup>45</sup> See UN Secretary-General (1961b, Annex VII). In addition, the switch of Secretary-General from Hammarskjöld to U Thant after the former's untimely demise in an air crash on 18 September 1961 may have contributed to the hardening attitude toward the use of force. Thant's approach to use of force is discussed in the next section.

troop contributing countries. Toward this end, peacekeepers patrolled as part of their public order tasks and sought to deter violence. This marks the birth of “inter-positional tactics” – intervening in a situation and thereby forcing the assailant to either stop or to continue with the attack, which triggers the peacekeepers’ right to self-defence and to use force. Interposing oneself belongs to pre-emptive tactics in the current POC terminology.<sup>46</sup> In mid-February 1961, ONUC established and guarded safe zones for civilians persecuted by state and non-state actors alike. The safe zone in Léopoldville, now Kinshasa, for example, attracted 280 persons in the course of two weeks.<sup>47</sup> Furthermore, peacekeepers evacuated alive, wounded and dead civilians out of the disorderly areas. (Findlay, 2002, p. 66; Wills, 2009, pp. 9–11.)

The will to protect was present in the force commander’s directives, too. For instance, the second paragraph of Directive number six of 28 October 1960 ordered ONUC to “take all possible measures for the protection of life” (reproduced in Findlay, 2002, p. 412). Paragraph four of the same Directive also argues that while ONUC is not to intervene in local disputes, this does not “preclude the UN from humanitarian measures to prevent bloodshed”. Instead, peacekeepers should buffer against attacks by using inter-positional tactics (*ibid.*). Paragraphs nine and ten order peacekeepers to stop “lawlessness, bloodshed, pillaging or looting” with appropriate force after due exhaustion of other means. Paragraph twelve, finally, defines rogue soldiers, gendarmerie and police engaged in “unlawful killing of unarmed civilians or the pillaging and burning of towns and villages or in any flagrant violation of elementary human rights” as threats to public order who should be neutralized and confined to their barracks, should peaceful means fail. (Reproduced in Findlay, 2002, pp. 413–414.)

Directive number 8 of February 1961 begins by positing that peacekeepers ought to prevent armed conflict by any means necessary *except* armed force. The Directive continues, however, that peacekeepers should “afford every protection”, including use of force, to unarmed groups, refugees of any nationality, political leaders and hostages. (Reproduced in Findlay, 2002, p. 414.) The language of bloodshed, which demands that peacekeepers do not “stand aside as passive onlookers when arbitrary acts in violation of

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<sup>46</sup> See DPKO & DFS (2015a, p. 19, 2015b, para. 31(ii)).

<sup>47</sup> UN Secretary-General (1961a, para. 7). According to the same report (para. 8), prospective protégés were vetted to verify they were indeed in danger; their political activity was prohibited; and the zones would not help in hiding from the law.



human dignity, freedom and security are committed in their presence” (from Operations Directive no. 7, quoted in Findlay, 2002, p. 66), draws explicitly on the moral argument that the UN cannot just stand idly by when violence against civilians is committed. Moral outrage, as we have seen, was thus the primary mode of problematization of violence against civilians in the early peacekeeping experiences. The problematization was primarily concerned with the protection of civilians in immediate danger and hence the protection envisioned by the Secretary-General did not go beyond inter-positional tactics and safe zones.

Violence against civilians had thus become a problem for the UN in the Congo. Impetus for the problematization emanated firstly from Secretary-General’s moral indignation. Indeed, Hammarskjöld argued to the Security Council that violence in the Congo was no longer a mere internal dispute the UN could ignore and that the “senseless slaughter of civilians” could not be an excuse for non-intervention (Findlay, 2002, p. 69). This line of argument is not that dissimilar from later rationalizations of civilian protection.<sup>48</sup> Civilian protection was also rationalized as part of ONUC’s “general responsibility” that flowed from the mission mandate to maintain law and order. In so doing, he was able to draw on the fact that the Security Council too had sanctioned these activities.<sup>49</sup> In sum, for the UN, protecting civilians had a moral value, but it was also seen as part of keeping good order. At this point, however, the problematization resulted only in the inter-positional tactic and safe zones that provided protection against immediate threats. Structural violence had to wait.

All in all, the Congo experience was a harrowing one for the UN; the vicious conflict cycle and mission creep had exhausted ONUC. The mission ended abruptly after a series of violent clashes between the peacekeepers and Congolese armed forces as well as non-state armed groups between 1961 and 1963, which led the UN to take the first opportunity to exit the country in March 1963. The UN was out of Congo fifteen months later. Immediately after disbanding ONUC, the feeling at the UN was that the misadventure ought to be forgotten. There was a long-term effect, too, as the setbacks in Congo obliterated any desire to develop the peacekeeping doctrine (Findlay, 2002, pp. 75–81, 87–89; Wills, 2009, pp. 11–12.) Moreover, after ONUC, UN peacekeepers would not set a foot

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<sup>48</sup> The moral indignation is present for example in Kofi Annan’s “Two sovereignties” speech as well as the first POC report (Annan, 1999; UN Secretary-General, 1999e, para. 67).

<sup>49</sup> *Ibid.*, para. 7.

in Africa for twenty-five years. The UN also became generally more cautious about new peace operations, as only four out of eleven operations between 1964 and 1989 – UN Peacekeeping Force in Cyprus (UNFICYP in Cyprus (1964–), Emergency Force (UNEF II) in Egypt (1973–1979), Interim Force (UNIFIL) in Lebanon (1978–), and Transition Assistance Group (UNTAG) in Namibia (1989–1990) – had military boots on the ground.<sup>50</sup>

#### **4.1.2 From stagnation to (momentary) solidarity**

Two of the four exceptions – UNFICYP and UNIFIL – did to some extent continue to protect civilians, though no doctrine was developed in the context of these operations. UNFICYP was deployed to Cyprus at a time when the conflict between Greek and Turkish Cypriots exhibited characteristics of ethnic cleansing. Under the circumstances, especially after the Turkish invasion of Cyprus in 1974, UNFICYP combined, for instance, patrolling with the right to use force in self-defence in order to deter inter-communal violence and thereby protect civilians. Peacekeepers also continued to use the inter-positional tactics and set up safe zones. (Findlay, 2002, pp. 95, 97; Wills, 2009, p. 13, also footnote 57.)

UNIFIL, on the other hand, collided with two Israeli invasions to Lebanon (1978 and 1982), which at the time had no effective government in place. In addition, the operation enjoyed only the consent of the ineffective Lebanese government, while the other parties to the conflict were hostile to the force and support from the Security Council and member states was wavering at best. (Findlay, 2002, pp. 103–108; Wills, 2009, pp. 14–15.) The mission engaged in humanitarian tasks and for example rescued civilians from the ruins caused by the Israeli invasion, while also interposing themselves between Israeli forces and Lebanese fighters to protect civilians and civilian infrastructure, (Findlay, 2002, p. 115; Wills, 2009, pp. 15–16). Thus, while ONUC was often denounced a mistake, some of its lessons were put into use during the next 20 years. The problematization of violence against civilians did not change during this time, however, as protective measures remained minimal and related only to immediate threats.

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<sup>50</sup> During this period, the UN deployed several observation, assistance or political missions. List of past peacekeeping operations between 1948–2018 is available at UN peacekeeping website (United Nations, n.d.-b).

Meanwhile, civilian protection had started to ascend toward the upper echelons of power within the UN when the Security Council started explicitly to pay attention to the perils civilians face in armed conflict. This first came in the form of recognition of humanitarian issues during the Six Days War in 1967, but references to humanitarian issues in council resolutions did not become frequent until after 1980. By this time the Council had started to identify violations of international humanitarian law and condemn them, make decisions about the liability of violations, request corrective actions, demand observance of the law, establish fact-finding missions, determine the applicability of IHL, and facilitate humanitarian action by the International Committee of the Red Cross. (Bourloyannis, 1992.) All practices are currently present in the Council's repertoire. Violations of humanitarian law mark a considerably broader conception of civilian protection and thus the problematization of violence against civilians had taken a turn toward a more structural and comprehensive direction.

The Council did not take direct action in defence of civilians until after the end of the Cold War, however. During what has been dubbed as the "solidarist moment" in international affairs (Wheeler, 2000), a belief in a new era of Security Council action in which paralyzing Cold War deadlocks were but a remnant of the past gave rise to optimism at the UN and the international affairs more broadly (Malone, 2006, p. 11). At first, there seemed to be reason for cautious optimism, as the Council was relatively determined during the humanitarian crisis that had resulted from the Iraqi attempts to suppress the Kurdish rebellion in 1991: for the first time in its existence, it had named, because of its consequences, the oppression of a civilian population as a threat to international peace and security and demanded Iraq to grant humanitarian organizations access into Iraq (Wills, 2009, p. 22).<sup>51</sup>

The Council did not, however, invoke Chapter VII in its resolutions and did not explicitly call for third party intervention; instead, the United States, United Kingdom and France took it upon themselves to intervene and imposed no-fly zones upon Iraq. Perhaps ironically, the first attempt to protect civilians in the post-Cold War era was then initiated without Security Council's explicit blessing, as it was the critical omission of a call for action that led the three states to establish no-fly zones in northern and southern parts of

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<sup>51</sup> UN Security Council Resolution 688 (1991, paras. 1–2).

Iraq – and support them with air raids – for the specific purpose of protecting civilians. (ibid., also Malone, 2006, p. 88.)

The solidarist moment withered rapidly away during the first half of the 1990s, however, as the difficulties of protecting civilians arose. In 1992, the Security Council deployed the biggest peace operation since ONUC to Cambodia to monitor ceasefires, hold elections and disarm armed groups, but also take over the administration of Cambodia, to protect human rights and to facilitate the return of refugees. The Transitional Authority in Cambodia (UNTAC, 1992–1994), was not deployed under Chapter VII despite its executive role, but its rules of engagement allowed the peacekeepers to prevent crimes against humanity by any means necessary. While the operation provided local authorities with human rights education and training, it avoided confrontation with local armed factions in order not to risk the elections, which left the civilian population unprotected. The peacekeepers reportedly abused the local people too, which further undermined the cause peacekeepers were supposed to uphold. (Wills, 2009, pp. 24–27.) Here, human rights education represented a new angle to civilian protection – one that reflected the idea according to which people will make better decisions when properly informed. This idea would become integral to peace operations, as we shall see in the section on policing. The prevention of crimes against humanity represented a continuation of the moral indignation that had emerged already in the Congo.

#### **4.1.3 The internationalization of violence against civilians**

Meanwhile, a civil war had erupted in Somalia after the fall of Siad Barre’s regime in 1991. The situation in the country was fragile as the Somalis had both capacity and incentive for violence. Indeed, Somalia had been armed by both poles of the Cold War and the relations between local clans were becoming increasingly hostile because of their struggle for power. The result was a civil war that claimed 14 000 lives, wounded twice as many, and ruined agricultural and livestock production which in turn caused widespread famine. (Wheeler, 2000, p. 174.) The international response to the situation in Somalia came in the form of three peace operations: UNOSOM I (UN Operation in Somalia, April 1992 – March 1993), UNITAF (Unified Task Force, December 1992 – May 1993), and UNOSOM II (March 1993 – March 1995). The first mission in Somalia was a peacekeeping presence designated to monitor ceasefire between warring factions and to

protect the delivery of humanitarian aid, but it was eventually overwhelmed by the hostile environment and lack of effective government.<sup>52</sup>

In response, the Security Council decided to deploy a more robust force, UNITAF – a UN-sanctioned but US-led mission – to enforce its will. The deployment was historic, because the Council declared in its resolution 794 not only that the “the magnitude of the human tragedy” *inside* Somalia was a threat to international peace and security but also mandated for the first time in its existence an enforcement operation under Chapter VII of the UN Charter to “use all necessary measures to establish as soon as possible a secure environment for humanitarian relief operations”.<sup>53</sup> The resolution was adopted unanimously and, in light of the deliberations leading to the resolution (see Wheeler, 2000, pp. 184–185), there is little doubt about the humanitarian motive. Another factor that made UNITAF exceptional is that it was launched in the absence of state consent (but not against Somali consent, for Somalia had no effective government).<sup>54</sup> The resolution can be read as an application of the Council President’s and the Secretary-General’s redefinition of international peace and security presented earlier in 1992.<sup>55</sup>

During its five-month stint, UNITAF assumed by and large the responsibilities of UNOSOM I, although its posture was much more aggressive in terms of its rules of engagement (Findlay, 2002, pp. 170–171): the mission focused on the provision of security that would facilitate the distribution of humanitarian aid by convoys, setting up humanitarian programmes and zones in Somalia (*ibid.*, pp. 172–175). Yet the United States had no real interest in committing to Somalia (Wheeler, 2000, p. 190), despite arguments

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<sup>52</sup> The mandate was set in UN Security Council Resolutions 751 (1992b), 767 (1992c) and 775 (1992d). On the inadequacy of the UN force and the insecurities it faced in 1992 that led to the deployment of the two other missions, see UN Secretary-General (1992e, paras. 11–21, 1992b, 1992c).

<sup>53</sup> UN Security Council Resolution 794 (1992f, p. 1, and paras. 3, 8, 10). Findlay (2002, p. 167n2) notes that UNITAF was the fifth time the Security Council authorized enforcement operation: first was in relation to Korea in 1950, then against Rhodesia in 1966, and finally twice in the context of Iraq-Kuwait conflict in 1990 and 1991.

<sup>54</sup> On a side note, Nicholas Wheeler (2000, p. 200) argues that resolution 794 and the deployment of UNITAF are not to be construed as a transition into an age where a consensus on humanitarian intervention prevails, because for example China and India, while not objecting the resolution, argued the Somali case is unique and exceptional and did not therefore constitute a departure from article 2.7 of the UN Charter (i.e. the non-intervention rule). Wheeler is probably right, seeing as how the Council has not always been able to find consensus in these matters after Somalia. However, I would argue they are nonetheless groundbreaking in the sense that they opened up the possibility of exception in cases where the constellation of wills, motives and interests among the (permanent) members of the Security Council converge sufficiently. This would not be possible without the rationale according to which crises inside states and human rights abuses constitute a threat to or a breach of international peace and security.

<sup>55</sup> See *An Agenda for Peace* by UN Secretary-General (1992a); and the note by the Council President (UN Security Council, 1992a, p. 3). See also section 1.1.

raised by Secretary-General for a long-term substitutive UN force.<sup>56</sup> Eventually in May 1993, UNITAF handed over its responsibilities to the second UNOSOM mission.

Like UNITAF, UNOSOM II was equally unprecedented because it was the first *UN-led mission* to have a broad mandate to, inter alia, monitor and enforce the cessation of hostilities, secure “all ports, airports and lines of communications required for the delivery of humanitarian assistance”, and to ensure the safe return of refugees and displaced persons.<sup>57</sup> Moreover, though not mandated under Chapter VII, UNOSOM was to engage in state- and nation-building tasks by assisting the Somalis to re-establish institutions for civilian administration and police that would be able to enforce and maintain law and order in the entire country.<sup>58</sup> In the field, the lofty mandates were dampened by persistent violence and insecurity, the subsequent clashes that claimed several lives of peacekeepers, and the implication of Belgian and Canadian troops in the murder of one and abuse of several Somalis (Findlay, 2002, pp. 181–183; Wheeler, 2000, pp. 194–200; Wills, 2009, p. 29). The case of the Somalian civil war marks a sea change in the UN’s problematization of violence against civilians because it had de facto defined a state’s internal conflicts as threats to *international* peace and security. Domestic and international security began to merge.

After Somalia, another tragedy befell Africa in April 1994 when the long-lasting disputes between Rwanda’s Tutsi and Hutu populations escalated into genocide. The conflict had begun already in 1990 when the Armed Forces of the majority Hutu government and the Rwandese Patriotic Front representing the Tutsi population started fighting each other. The UN first got involved in the conflict in June 1993, when it sent a group of military observers to monitor the Rwanda–Uganda border. Later in October, however, it deployed the Assistance Mission for Rwanda (UNAMIR) to Rwanda as it became clear that mere monitoring would not suffice. UNAMIR was to, inter alia, monitor the previously made ceasefire agreement and especially its demilitarization procedures, monitor the security situation preceding the forthcoming elections, monitor and verify the return of refugees and displaced persons, contribute to the security of “weapons-secure” area in the city of Kigali, investigate and report on the activities of the local gendarmerie and police forces,

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<sup>56</sup> UN Secretary-General (1993, paras. 19–20, 55).

<sup>57</sup> Security Council endorsed the Secretary-General’s proposition for UNOSOM’s mandate, see UN Secretary-General (ibid., para. 57(a–b, e, h)).

<sup>58</sup> UN Security Council Resolution 814 (1993a, paras. 4(c, d)).

assist in demining through training programmes, and to assist in the coordination of humanitarian assistance.<sup>59</sup> While some of the tasks could be construed as requiring enforcement capacities, the mandate was not issued under Chapter VII. The resolution was equally silent about protection of civilians, although UNAMIR's rules of engagement allowed the prevention of violence against civilians even with force (Wills, 2009, p. 31).

As the accounts of fleeing UN personnel who left both local civilians as well as locally recruited workers at the mercy of Hutu génocidaires suggest,<sup>60</sup> however, UNAMIR not only failed to protect civilians, it ultimately failed its mandate more generally. Although the mission was suffered from poorly trained troops and poor equipment, the failure can largely be attributed to three reasons. Firstly, the “shadow of Somalia”<sup>61</sup> – the fear of “mission creep” (uncontrollably expanding mission agenda), casualties and damages – was still hanging above the UN, which made the DPKO more cautious about venturing beyond the “traditional” peacekeeping tasks, such as monitoring ceasefires (Findlay, 2002, p. 277).

Secondly, DPKO's interpretation of warning signs of impending violence and the mission mandate was overly cautious. The UN officials saw the interpretation of UNAMIR's mandate as a balancing act between the risk of violence and the risk of undermining UN peacekeeping enterprise. There was the risk that excessive measures might result in a conflict with the Rwandan government, which in turn could undermine the peacekeeping enterprise that was still in recovery of its “Somalia syndrome”. (see Barnett, 2002, pp. 77–86.). Finally, the international community was largely indifferent about the Rwandan situation and by the time it managed to summon the will for a more robust force – that is, the Opération Turquoise – violence was already waning (Findlay, 2002, pp. 280–282).<sup>62</sup> In retrospect, the prudence that resulted from these factors led the UNAMIR to practically stand by, or flee, as the genocide unfolded in the course of spring 1994.

Besides Africa, Europe, too, witnessed its share of massacres in its South-Eastern parts when the Socialist Federal Republic of Yugoslavia started to fall apart at its seams in the early 1990s. And along with the disruption, a total of eight UN peace operations were

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<sup>59</sup> UN Security Council Resolution 872 (1993e, para. 3).

<sup>60</sup> See UN Secretary-General (1999a, pp. 45–46).

<sup>61</sup> *Ibid.*, p. 41.

<sup>62</sup> See also *ibid.*, pp. 30–42.

deployed to the region to keep violence at bay, manage the disintegration and ease the way of newly created states into stable coexistence.<sup>63</sup> For the present context, the most pertinent of these operations is the UN Protection Force (UNPROFOR), which was first deployed to Croatia, then Bosnia and Herzegovina and finally to Macedonia. Though matters of civilian protection were of utmost importance elsewhere too, particularly in Croatia, the focus here is limited to Bosnia for reasons of space.

UNPROFOR first entered Bosnia in the spring of 1992 to promote peace negotiations and to monitor the overall situation, but the situation deteriorated at such a pace that a more robust force was deemed appropriate. In September the same year, Security Council passed Resolution 776, which expanded both the mission's strength and mandate. The resolution, while not explicitly authorizing protection of civilians, mandated the mission to protect the UN's and ICRC's humanitarian convoys and refugee assistance.<sup>64</sup> The mandate did not explicitly reference Chapter VII, but the Secretary-General's proposal upon which the mandate was based authorized peacekeepers to use force in self-defence and in defence of the mission mandate.

The mission's rules of engagement dictated that the mission was authorized to use force in self-defence, which included the defence against attempts to prevent peacekeepers from discharging their duties. This extended the authorization of use of force to the protection of the safe areas (the rules of engagement are reproduced in Findlay, 2002, Annex II, pp. 417–422). According to Trevor Findlay (*ibid.*, pp. 221–231), UNPROFOR engaged not only in the above-mentioned mandated activities, but also took steps to interpose themselves to protect civilians, though the peacekeepers' willingness to do so varied from one contingent to another. Later, in a series of resolutions in 1993, the Security Council requested for demilitarized safe zones to be established, authorized the use of "all necessary measures" to protect the zones and to prevent the interception of humanitarian aid convoys in the safe zones' vicinity.<sup>65</sup> The mission was supposed to

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<sup>63</sup> List of past peace operations is available at UN peacekeeping website (United Nations, n.d.-b). Other international organizations, such as the Organization for Cooperation and Security (OSCE), North Atlantic Treaty Organization (NATO) and the EU would later join and eventually assume the UN's tasks. Particularly NATO participated from early on to peace operations by providing air support and by enforcing no-fly zones (see Findlay, 2002, pp. 236–252).

<sup>64</sup> UN Security Council Resolution 776 (1992e). The mandate was based on the suggestions of the Secretary-General (1992d, paras. 3–11).

<sup>65</sup> UN Security Council Resolutions 819 (1993b), 824 (1993c), 836 (1993d). The last resolution authorized also UNPROFOR to take part in these activities under Chapter VII (paras. 9–10). However, as Wills (2009, pp. 34–35) notes, resolution 836 is careful *not* to link "all necessary measures" with words "protect" or



provide protection for Bosnians, as the name Protection Force suggests, but interpretations of the mandate varied from promises to protection to attempts to *deter* rather than prevent violence (Findlay, 2002, p. 229; Wills, 2009, p. 34, also accompanying note 193).

As is well-known by now, the UNPROFOR safe zones succumbed eventually under the pressure of Serbian forces, despite initial moderate success. The outcome was the worst atrocity on European soil since World War II. The reasons leading to the failure of UNPROFOR were similar with the cases of Somalia and Rwanda: The lightly armed force was undersized and underequipped to resist the machinations and attacks of Bosnian Serbs and the air power provided by NATO was underused. Secondly, UNPROFOR's mandate was vague at best – it was never issued under Chapter VII, but it involved tasks that involved enforcement – and it was interpreted rather cautiously due to fears of the UN ending up in war against Serbia and Bosnian Serbs. Finally, the UN never fully grasped how serious Bosnian and Serbian Serbs were about the idea of “Greater Serbia” or about the lengths to which they would go to turn the idea into reality. As for the failure to protect civilians, the problem lay with the safe zones, whose concept was unclear and they were never properly demilitarized as planned (Findlay, 2002, pp. 265–266; Wheeler, 2000, pp. 251–254.) Together with the overall reluctance to use force, the result was that the safe zones were never actually safe.<sup>66</sup>

The examples of civilian protection indicate that violence against civilians had become profoundly problematized at the UN toward by mid-1990s. Indeed, a sense of moral obligation had developed within the UN that gave rise to expectations about civilian protection. Sometimes these expectations materialized as actual protection measures in the field or as authorization of interventionist protection measures by the Security Council. The problematization and concomitant protection measures were often overwhelmed, however, by complex political situations, shadows of past experiences, lack of determination, and hostile operating environment. The failures to protect in Somalia, Rwanda and Bosnia left the UN more cautious about waging peace by force. Attempts to develop and make civilian protection more prominent part of peacekeeping

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“defend”. Rather, the mission was to use all necessary measures only in self-defence, not in defence of the safe zones.

<sup>66</sup> See also the inquiry on UN actions in Bosnia and Srebrenica appended in UN Secretary-General (1999d, pp. 480–483, 488–494, 495–497).

were shelved for the next few years to come.<sup>67</sup> Nonetheless, the examples of peace operations from the 1990s exhibited signs that civilian protection was about to become more comprehensive than mere inter-positional tactics; protection in this period included also increasing willingness to use force and it was combined with educational initiatives that served the purposes of civilian protection.

#### **4.1.4 Emergence and consolidation of the POC doctrine**

This development would continue at the doctrinal level toward the end of the millennium, when the international community re-embraced civilian protection. Indeed, after a period of soul-searching,<sup>68</sup> the UN took its first steps toward institutionalization of civilian protection. Secretary-General Kofi Annan's term of office was particularly important for this process, as it was under his watch that the secretariat prepared two reports in 1998 in which the Organization advocated for further protection for humanitarian assistance, examined the causes of conflict in Africa and laid the fundamentals for the promotion of durable peace and sustainable development.<sup>69</sup> Next year, Secretary-General's report series *Protection of Civilians in armed conflict* was launched to provide the Security Council with timely analyses of the perils civilians face and propose measures the Council could take to mitigate the perils (see next chapter for detailed analysis). In 2000, a key peacekeeping document dubbed as the *Brahimi report* endorsed the UN's intentions to develop its civilian protection efforts (although with reservations concerning the mismatch of expectations and capacity).<sup>70</sup>

The year 1999 was important in another regard as well, as it was in the spring of 1999 when NATO commenced its "illegal yet legitimate" bombings of Belgrade to persuade Serbia to halt its oppression of Kosovars. The Security Council was unable to open its deadlock in this case, but the bombing of Belgrade on behalf of Kosovar civilians indicated a modicum of openness to civilian protection in some quarters of the international community. Shortly after Kosovo war, on 27 October 1999, Security Council

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<sup>67</sup> The sense of disappointment is tangible for example in the *Supplement to an Agenda for Peace*, where the then Secretary-General Boutros Boutros-Ghali argued that, using Bosnia and Somalia as examples, protection of humanitarian convoys and protection of civilians during an armed conflict, and the premature attempts to impose reconciliatory processes had resulted in the "less successful operations" (UN Secretary-General, 1995a, paras. 33–35).

<sup>68</sup> This period is best documented in the Secretary-General's report *The Fall of Srebrenica* (UN Secretary-General, 1999b) and the report of an independent inquiry into the Rwandan genocide (UN Secretary-General, 1999a), which assessed the UN's performance in these cases.

<sup>69</sup> UN secretary-General (1998a, 1998b).

<sup>70</sup> The report is appended in UN Secretary-General (2000, paras. 62–63).

deployed the first UN peace operation with a POC mandate to Sierra Leone.<sup>71</sup> In total, ten operations would have a POC mandate between 1999 and 2008.<sup>72</sup> Moreover, the notion of protection of civilians would appear in several peacekeeping and peace and security documents during the same time period,<sup>73</sup> while meaningful conceptual development did not take place. In other words, the UN had established a language of protection to be used in Security Council resolutions and aide-mémoires as well as in Secretary-General's reports, but this had not led to the operationalization or implementation of protection in the field (Holt, Taylor, & Kelly, 2009, pp. 74, 144).

The development of UN POC into a practical guideline for peacekeepers would have to wait for almost ten years. Then, DPKO and the Office for the Coordination of Humanitarian Affairs commissioned an independent study, *Protecting civilians in the context of UN peacekeeping operations. Successes, Setbacks and Remaining Challenges*, on how to improve the implementation of POC mandates (see Holt et al., 2009). Following the study, DPKO and DFS published their first draft concept of UN POC in 2010, which would serve as basis for the coming POC policy of 2015. The policy was followed by POC guidelines for military components the same year, and guidelines for police components in 2017. The policy was replaced by an update in 2019, however, but it did not make fundamental changes to the policy.

Meanwhile, as the “core obligation” of the UN,<sup>74</sup> civilian protection has become a well-established practice at the Security Council. This is indicated by the numerous resolutions with references to POC (see Maisonneuve & Saeteroey, 2014). As for peace operations, the UN itself advertises how at the time of writing of the present thesis, “more than 95 %” of peacekeepers are mandated to protect civilians.<sup>75</sup> Moreover, 15 out of 22 operations established between 1999 and 2017 have at least at one point had an explicit mandate to

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<sup>71</sup> UN Security Council Resolution 1270 (1999c, para. 14).

<sup>72</sup> The operations are: MONUC in Congo; UNMIL in Liberia; ONUB in Burundi; MINUSTAH in Haiti; UNOCI in Côte d'Ivoire; UNMIS in Sudan; UNIFIL in Lebanon; UNAMID in Darfur, Sudan; and MINURCAT in Central African Republic. See (Holt et al., 2009, p. 3, fn 3).

<sup>73</sup> These documents include for example the report of the high-level panel on threats to peace and security, *A More Secure World: Our Shared Responsibility* (United Nations, 2004, paras. 231–238); the *Brahimi report* (UN Secretary-General, 2000, para. 62); the *Capstone Doctrine* (DPKO & DFS, 2008b, p. 24); the *Handbook on United Nations Multidimensional Peacekeeping Operations* (DPKO, 2003, p. 92); and the *United Nations Civilian Police Principles and Guidelines* (DPKO, 2000).

<sup>74</sup> As dubbed by the High-level Independent Panel on Peace Operations report appended in UN Secretary-General (2015a).

<sup>75</sup> United Nations (n.d.-d).

protect civilians under Chapter VII with all means necessary.<sup>76</sup> Thus, even though the UN's performance in this regard has been criticised, even by the Organization's own watchdog,<sup>77</sup> we can conclude that the problematization of violence against civilians has been consolidated. From the days of ONUC, the problematization has led the Security Council to take an increasingly active stance on civilian protection, move peacekeepers from inter-positional tactics and safe zones to using force proactively to protect civilians and to integrate protection into educational programmes. This expansion of the modalities of protection suggests changes in other trends concerning peacekeeping, such as militarization and policing.

## **4.2 Militarization of peacekeeping**

Militarism is a belief that sees use of force and threat of force as effective means of solving problems. *Militarization*, then, refers to the advancement of this conviction in a given domain of life, society or polity. It involves the "arming, organizing, planning, training for, threatening, and sometimes implementing violent conflict" as the basic model for an organization or for solving a problem (Kraska, 2007, p. 503). In the context of peacekeeping, militarization has manifested itself in three forms: a) the redefinition of self-defence; b) the increasingly frequent invocation of Chapter VII in mission mandates to authorize the use of force beyond self-defence; and c) the arming of peacekeepers and the introduction of new types of missions and military contingents into the international peace and security toolkit (ibid., p. 503; Sloan, 2011, p. 3).

### **4.2.1 Back to the Congo**

As suggested previously, use of force has been a controversial issue in the peacekeeping circles ever since the first peacekeeping operation was deployed to tame the Suez Canal crisis of 1956. At first, peacekeeping was not even conceivably a Chapter VII activity, but a pacific solution to disputes. After UNEF, the then Secretary-General Dag Hammarskjöld

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<sup>76</sup> The number of operations with and without a POC mandate is based on the mission mandates presented at the UN peacekeeping website or mission websites (see United Nations, n.d.-b). The operations that did not have an explicit POC mandate were: UNMIK in Kosovo, UNTAET and UNMISSET in East Timor, UNMEE in Eritrea and Ethiopia, MINUCI in Côte d'Ivoire, UNMIT in Timor-Leste, and UNSMIS in Syria. The missions may have, however, performed similar tasks. Moreover, a non-UN mission may have worked alongside UN to protect civilians, especially if the non-UN mission served as the enforcement arm of the international presence, which was the case with NATO's Kosovo force.

<sup>77</sup> UN Office of Internal Oversight Services (2013, 2014, 2017). The reports' findings indicate shortcomings in reporting of civilian casualties, consistent patterns of inaction when faced with violence against civilians, and troop contributing countries interference in matters relating to use of force. Bode and Karlsrud (2019) have shown that views as to what peacekeepers are obliged to do when mandated to protect civilians diverge among member states, which results in inconsistent performance and even underperformance.

contemplated the nature of peacekeeping, which resulted in a set of principles that would later be considered the cornerstone of successful peacekeeping. The principles were: consent, neutral composition of peace operations, and immunity.<sup>78</sup> In short, peacekeeping can be commenced only with the consent of the host state; it should not include units from the Security Council member states or from states with potential bias; UN personnel should enjoy immunity; and the operations should enjoy freedom of movement as necessary for the completion of its mandate.

More importantly, however, Hammarskjöld further formulated the “basic rules” to be considered when deploying new missions. First, peacekeepers would have to keep their distance to local authorities and not get mixed in internal affairs of the host state – otherwise the mission would risk politicization. According to the second rule, a peace operation must be deployed in response to cross-border or otherwise international dispute; it cannot be involved in conflicts of internal nature and it cannot enforce any specific solution to the problem at hand – peacekeepers are deployed only to ensure the solution holds. Third, peacekeepers’ loyalty should lie exclusively with the UN. Finally, while such right did exist in Hammarskjöld’s view, peacekeepers were obliged to limit the use of force strictly to self-defence. Key to the appropriate use of force was that peacekeepers were not to engage first, but once attacked, or attempted to remove from their positions, they would be allowed to use force.<sup>79</sup>

Many of Hammarskjöld’s ideas have been present in UN’s rhetoric even in the 2000s. For example, in the so-called *Capstone Doctrine* from 2008, DPKO and DFS followed Hammarskjöld by positing that the basic principles of UN peacekeeping are consent of the parties involved, impartiality, and the restriction of force to self-defence. The doctrine defines consent effectively the same way as Hammarskjöld did, whilst impartiality and self-defence have assumed new definitions. Impartiality for the Capstone Doctrine means that peacekeepers are to do their job “without favour or prejudice to any party”, but this is not to be construed as a justification for inaction when faced with activities that hinder peace processes. Use of force and self-defence, finally, are not limited to defence of oneself and mission positions but includes also the defence of the mission mandate.<sup>80</sup>

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<sup>78</sup> UN Secretary-General (1958, paras. 155, 160, 163, 164).

<sup>79</sup> *Ibid.*, paras. 165–166, 168, 179.

<sup>80</sup> DPKO & DFS (2008b, pp. 31–35); a high-level panel report known as the *Brahimi report* dubs the three principles as the “bedrock” of peacekeeping (UN Secretary-General, 2000, para. 48).

In between Hammarskjöld's contemplations and the 2008 Doctrine the "bedrock principles", especially those concerning use of force, have been revised. In other words, they have been problematized. This began already with the second-ever peacekeeping operation deployed to Congo in 1960, where the situation escalated into civil war and the UN suffered numerous casualties.<sup>81</sup> Because of the violence, UN could not ostensibly operate in accordance with Hammarskjöld's principles and rules, and therefore ONUC had to rethink its approach to the use of force and impartiality. Consequently, the mission mandate developed from assistance of state authorities into fully-fledged military and police operation in a series of three resolutions: Resolution 143 of 14 July 1960 authorized Secretary-General to provide the Congolese government with military and technical assistance to better complete its tasks; Resolution 161 of 21 February 1961 authorized the force to take all necessary measures to prevent civil war; and Resolution 169 of 24 November 1961, finally, authorized the force to detain, deport and prevent the return, if necessary, of all foreign military and paramilitary personnel.<sup>82</sup>

Operation Directives followed a similar trajectory and became more permissive of force. Indeed, the second Operations Directive of 17 August 1960 pledged that the UN force is not in Congo to challenge the local authorities and that it would use its good offices whenever encountered with injustice. Subsequent directives had a different tone, however, and for example Directive number 6 of 28 October 1960 provided – only four months before the resolution 161 which was the first resolution to authorize all means necessary to prevent civil war – that ONUC may employ any means necessary to carry out the tasks ordered by the force commander.<sup>83</sup> The Directive discusses in particular the violence of Congolese authorities and their unwillingness to prevent violence, attacks on UN installations, and the prevention of banditry as examples of situations in which the resort to force might become necessary. The Directive did not allow first use of force and discouraged lethal force. (ONUC's Operations Directives are reproduced in Findlay, 2002, pp. 411–415.)

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<sup>81</sup> ONUC suffered 250 casualties in total, 245 military personnel and 5 civilians to be precise, which is twice as many as UNEF. The numbers are from the ONUC website (United Nations, 2001).

<sup>82</sup> See UN Security Council resolutions 143 (1960), 161 (1961a) and 169 (1961b).

<sup>83</sup> Paragraph 7 of the Directive number 6 provided that peacekeepers may, after due exhaustion, resort to force, if: attempts to move from their position are made; attempts to disarm them are made; attempts to prevent the force to execute its mandate are made; attempts at arrest or abduction of UN personnel are made; or if the UN's premises are violated.

In a message dated 24 February 1961 and addressed to African troop-contributing countries, who were concerned that ONUC might get entangled in the Congolese conflicts, Hammarskjöld rationalized the more robust approach by arguing that peacekeepers would not in fact be interfering in Congolese internal affairs if they resorted to force *after* being attacked. While initiation of combat would be problematic, Secretary-General reasoned this would be an act of self-defence rather than an interference.<sup>84</sup> The problematization of force had thus led the UN and ONUC to prioritize order-making ability over Hammarskjöld's impartiality and constraint on the use of force. Moreover, as Anne Orford's (2011, pp. 83–87) analysis illustrates, decisions to use force are in fact decisions for something and against something else; the UN always makes a decision on whose behalf it resorts to force. Therefore, the decision is always partial. The analysis further shows how such decisions entail recognition of authority on the UN's part, which in turn is accompanied by for example financial aid, military support or political legitimacy, or a combination of these. The problematization of adequate force and the recourse to more forceful measures led the UN to modify its approach to neutrality, impartiality and self-defence in peacekeeping.

In its time, ONUC was largely considered a misadventure not to be repeated (Findlay, 2002, p. 87). Problematization of use of force during the course of ONUC nonetheless set the UN on an almost paradoxical path that is at the heart of militarization of peacekeeping: the delimiting of use of force strictly to self-defence and expanding it to the defence of mission mandate. The consequence of this process is that the line between peacekeeping and peace enforcement has blurred. As one analyst noted: if peacekeepers are allowed to take action in defence of the mission mandate, it is “no different from allowing them to enforce it” (quoted in Wills, 2009, p. 14). It is not necessary to examine the development of the doctrine on use of force in every mandate given since ONUC – this has already been done by for example Trevor Findlay (2002) and James Sloan (2011, 2014) – but general features of this process deserve highlighting to further understand the process of militarization.

#### **4.2.2 Redefining self-defence**

The self-defence norm guiding peacekeepers' use of force, which in itself was not abandoned, was revised in the course of ONUC's lifespan. The broader revision became

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<sup>84</sup> The message is appended in UN Secretary-General (1961b, Annex VII).

a standard for the next few operations to come (Sloan, 2011, pp. 28–29). After ONUC, Hammarskjöld’s successor, U Thant, defined the use of force concept for ONUC’s successor, UNFICYP, in a similar vein to that of ONUC; self-defence for the mission included the defence of UN personnel, posts, premises and vehicles. Attempts to remove peacekeepers from their position, disarm them or attempts to prevent them from executing their orders would trigger the right to self-defence. The instructions still underlined that the mission is not an offensive one, meaning it cannot engage first and non-forceful measures would have to be duly exhausted before engaging in combat.<sup>85</sup> While UNFICYP was not authorized under Chapter VII, Thant’s definition of self-defence continued along the same lines with ONUC.

A more profound change in doctrine did not come until a little less than a decade later, however, as Thant’s successor, the Austrian Secretary-General Kurt Waldheim proposed in 1973 that the second UNEF operation deployed to Egypt should have the expanded right to self-defence like ONUC and UNFICYP had: “Self-defence would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council.”<sup>86</sup> Given the Security Council’s concern over the situation in the Middle East at the time, the redefinition was passed unchallenged. Only this time, peacekeepers were authorized to defend the mandate given by Security Council, whereas previously it was the “positions” and “responsibilities” dictated by force commanders. Thereby, Security Council endorsed the redefinition of self-defence as defence-of-mandate. The redefinition became effectively the blueprint for all subsequent peace operations. (Findlay, 2002, p. 100; Sloan, 2011, p. 29.) A sufficiently ambiguous mandate, as Sloan (2011, p. 29) notes, would however allow “virtually any use of force”. The authorization given to UNEF II thus marks a crucial point of lowering peacekeepers’ threshold for resorting to force.

The final, elementary step in the redefinition of self-defence in peace operations was taken when peacekeeping mandates were passed under Chapter VII of the Charter. The transition to “militarized peacekeeping”, in Sloan’s (2011, pp. 37–39) assessment, revolved around the subject of civilian protection: Firstly, the atrocities of the 1990s, notably in Somalia, Bosnia, and Rwanda, and the UN’s failure to act upon them, provided

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<sup>85</sup> UN Secretary-General (1964, para. 7c).

<sup>86</sup> UN Secretary-General (1973, para. 4d).



the momentum for increased use of force. Second, perhaps due to his involvement in the previous failures, the then Secretary-General, Kofi Annan, whose stated priority was “[a]dherence to international humanitarian and human rights norms”,<sup>87</sup> was highly active in matters of civilian protection. For example, during his second year in office, Annan wrote two reports on conflict management, humanitarian matters and civilian protection, both of which advocated more decisive action on said matters. One of them even called for “enforcement action in order to achieve humanitarian objectives”.<sup>88</sup>

Moreover, at the request of Security Council, Annan initiated a report series on the protection of civilians in armed conflict, which is published even today. Notably, the first report in the series advocated humanitarian intervention:

where the parties to the conflict commit systematic and widespread breaches of international humanitarian and human rights law, causing threats of genocide, crimes against humanity and war crimes, the Security Council should be prepared to intervene under Chapter VII of the Charter.<sup>89</sup>

Despite the moderation of the rhetoric since 1999, the crucial point here is that the report coincided with other developments related to protection of civilians. The final development is the emergence of the R2P concept, in which Annan was also heavily involved.<sup>90</sup> The concept had undergone some evolution before it was adopted at the UN General Assembly in 2005, but the basic principle remained the same: states have a responsibility to protect civilians inside their territory and should they fail to take on this responsibility, they are subject to intervention.<sup>91</sup>

Considering the aforementioned factors, the period seems to have been ripe for more forceful peace operations. This conclusion is supported also by the peacekeeping mandates issued from 1999 onwards, a majority of which explicitly invokes Chapter VII. Indeed, between 1999 and 2017 nineteen operations were deployed, while only three did not have Chapter VII authorization.<sup>92</sup> Key peacekeeping documents – such as the

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<sup>87</sup> UN Secretary-General (1998b, para. 50).

<sup>88</sup> The quote comes from *Report of the Secretary-General on Protection for Humanitarian Assistance to Refugees and Others in Conflict situations* (UN Secretary-General, 1998a, para. 35); the other report is titled *The causes of conflict and the promotion of durable peace and sustainable development in Africa. Report of the Secretary-General* (UN Secretary-General, 1998b).

<sup>89</sup> UN Secretary-General (1999e, para. 67).

<sup>90</sup> International Commission on Intervention and State Sovereignty (2001, p. 83).

<sup>91</sup> UN General Assembly (2005, paras. 138–140).

<sup>92</sup> Sloan (2014) counts 18 operations, but MINJUSTH was deployed to Haiti in April 2017 with a Chapter VII mandate. The three operations without Chapter VII authorization were UNMEE (2000–2008, Ethiopia and Eritrea), UNSMIS (April 2012 – August 2012, Syria) and MINURCAT (2007–2010, Central African

previously noted *Brahimi report*, *Capstone doctrine* and two High-Level Panel reports from 2004 and 2015 – also employ language that confirms the redefinition of self-defence and invites forceful measures.<sup>93</sup> This leads to the conclusion that militarization, understood as permissive attitude to use of force, has become consolidated within the UN. This is not to be construed as though the issue is entirely without controversy for example among member states. To the contrary, use of force for the purpose of protection of civilians, for example, is still controversial among member states (Bode & Karlsrud, 2019).<sup>94</sup> Militarization has been consolidated in UN agencies that represent the Organization, such as the secretariat and DPKO.

To recap, the problematization of adequate force, which stemmed originally from the need to respond to violence, resulted in a more permissive redefinition, one that would allow peacekeepers to engage more proactively with a hostile environment. Especially after self-defence was defined as a defence of mission mandate, the need for a formal constraint on use of force has eroded. This development is reinforced by the Security Council practice of establishing missions under Chapter VII of the Charter and authorizing the mission to use any means necessary in the execution of its mandate. Consequently, peacekeeping has started to approximate enforcement and distinguishing between the two has become “of ever diminishing value” (Sloan, 2011, p. 62). (Peace operations do not operate with a Chapter VII mandate by default, however, and therefore peacekeeping does not *equal* enforcement.)

#### **4.2.3 Militarized innovations**

Militarization of peacekeeping is not limited to mission mandates, however. It also involves innovations that increasingly rely offensive capacities, such as armed police and specialized units. For instance, the UN has come to deploy what it calls “stabilisation missions” – the precise meaning of which is unclear, but, as the term suggests, their goal in the broad is to bring state stability where there is none. At the time of writing, four such missions have been established, all with Chapter VII mandates: Stabilization Mission in Haiti (MINUSTAH, 2004–2017) in Haiti, Multidimensional Integrated Stabilization

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Republic and Chad). MINURCAT’s mandate was updated to include Chapter VII authorization in 2009, after which a new mission with Chapter VII authorization replaced MINURCAT. Also, the UN mission in Lebanon, UNIFIL, was authorized to use force in 2006, though not under Chapter VII. (ibid., p. 692n80.)

<sup>93</sup> DPKO & DFS ; UN Secretary-General (2000, para. 49, 2015a, para. 128); United Nations (2004, para. 213).

<sup>94</sup> The UN itself took notice of this five years before Bode and Karlsrud, see UN Office of Internal Oversight Services (2014).

Mission in Central African Republic (MINUSCA, 2014–), Multidimensional Integrated Stabilization Mission (MINUSMA, 2013–) in Mali, and Organization Stabilization Mission (MONUSCO, 2010–) in the Democratic Republic of the Congo. The meaning of “stabilization” has remained unclear in the mission mandates, but the common denominator is that they all undertake tasks related to consolidation and extension of state authority. Other tasks have ranged from civilian protection to monitoring human rights and from supporting political and electoral processes to supporting state security agencies (Gorur, 2016, pp. 9–11).<sup>95</sup> In many ways, these are the same tasks that contemporary peace operations have been assigned with after the turn of the millennium. However, references to consolidation and extension of state authority indicate, once again, a yearning for order.

The yearning also makes stabilization missions politically significant, despite the absence of clarity about the precise meaning of the term. Stabilization missions are significant because they are partial by definition. That is, the missions take side with the recognized government of the host state. Stabilization missions are not sent to keep peace, but to *create stability* (Bellamy & Hunt, 2015, pp. 1282–1283). An extreme example is the Force Intervention Brigade, which was deployed in 2013 to support MONUSCO in consolidating Congolese state authority and to protect civilians, among other tasks. The Intervention Brigade, with its three infantry battalions, one artillery and one special force and reconnaissance company is, “without creating a precedent or any prejudice to the agreed principles of peacekeeping”, to “carry out targeted offensive operations” in order to “neutralize”, “disarm” and “prevent the expansion” of armed groups.<sup>96</sup> The brigade gives MONUSCO’s order-making efforts a rather coercive bent. It remains to be seen whether this marks the merging of robust peacekeeping forces with UN’s state- and peacebuilding efforts.

Another example of militarization of peace operations is the increasing deployment of armed police. Armed police have been part of peace operations since 1998 when NATO deployed a 600 persons strong Multinational Specialized Unit to support its Stabilisation Force (Hansen, 2001, p. 71).<sup>97</sup> Four years later, the UN sent its own armed police, or

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<sup>95</sup> UN Security Council Resolution 2098 (2013, paras. 9, 12).

<sup>96</sup> UN Security Council Resolution 2098 (2013, paras. 9, 12). It ought to be borne in mind, however, that the establishment of the Brigade was not a case of Security Council imposing its will upon the Congolese, but a bottom-up process (see Piiparinen, 2016).

<sup>97</sup> The Specialized Unit drew its officers primarily from Australia, Italian Carabinieri, Argentinian Gendarmeria Nacional, Romanian Politia Militari and Slovenian Military Police (Hansen, 2001, p. 71, also n. 58; NATO, 2005).

Formed Police Units (FPUs) as it calls them today, to Kosovo and East Timor to provide security and maintain law and order.<sup>98</sup> Both cases were historic also because they marked the first instance where the UN assumed full executive authority over a sovereign state, or a state-to-be in the case of Kosovo. Later, the number of FPUs has grown steadily: a total of 5736 FPUs served in UN peace operations in November 2009, whereas ten years later in November 2019, the number stood at 6 792.<sup>99</sup>

Generally, the FPUs represent the harder edge of policing. Their purpose is to manage and protect order. They may do so even by force if necessary, but only after due exhaustion of less coercive means. When force is used, it must be proportional to the threat and escalate gradually along with the gravity of the situation. Use of force must be based on UN rules and regulations and it will be investigated when necessary.<sup>100</sup> Finally, in case of “sustained use of firearms or military weaponry”, the FPUs are to hand over authority to the military components.<sup>101</sup> On paper, the FPUs are thus the UN’s version of modern police forces operating under rule of law: on the one hand they represent the Leviathan’s sword that enforces the social contract, while on the other their authority is constrained by necessity and they are to be held accountable, as the possibility of investigations indicates.<sup>102</sup> From the point of view of militarization, however, the FPUs introduce yet another blunt instrument to peacekeeping toolkit to be used last before the ultima ratio of military force.

The examples of stabilization missions, intervention brigade, and FPUs do not change the problematization of adequate force that drives the militarization of peacekeeping: the UN faces hostile operating environments, which leads it to problematize the adequate level of force it may use in peacekeeping. The solution at which the UN has arrived is to prioritize order over the “basic principles” of peacekeeping (which it nonetheless swears to uphold).<sup>103</sup> Rather, what the stabilization missions, intervention brigade and FPUs do is

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<sup>98</sup> UN Secretary-General (1999c, para. 60, 1999b, para. 28).

<sup>99</sup> The numbers are drawn from monthly peacekeeping statistics on peacekeeping personnel by mission and post, available in United Nations (2009, 2019c). The report from November 2009 was the first to distinguish between different types of police, hence the time frame.

<sup>100</sup> DPKO & DFS (2009, paras. 28–39).

<sup>101</sup> DPKO & DFS (2008a, para. 100).

<sup>102</sup> In contrast to the sanitized image given by UN policy documents, critical observers have noted that the accountability of militarized UN police has not developed in equal measure with their broadening discretionary powers. As a result, FPUs, who by virtue of being peacekeepers enjoy immunity from prosecution in host state’s courts, have been allowed to suspend habeas corpus rights and to use deadly force. Investigations to excessive use of force have been rare and often inconsequential. (Ryan, 2011, p. 85.)

<sup>103</sup> DPKO & DFS (2008b, p. 31).

that they take the partiality and use of force to new extremes with their heavy-handed approach to peacekeeping. When deploying missions with such qualities the UN must make decisions as to whose order it wishes to stabilize, which is partial by definition. Thus, stabilization missions, intervention brigade and FPU's are similar to the redefinition of self-defence in the sense that they open up the possibility of using forceful measures in the name of peace. They represent thus intertwined processes that consolidate the overall militarization of peacekeeping.

### **4.3 Policing in UN peacekeeping**

Today, the police are often understood simply as a law enforcement agency that is responsible for control and prevention of crime. The narrow understanding obscures, however, the history of a regulatory agent that was responsible for establishing and maintaining *viable order* (Foucault, 2007). In his Collège de France lectures of 1978, Michel Foucault argued that in the 17<sup>th</sup> century France, Germany and Italy the police governed nothing less than “all the forms of ... men's coexistence with each other” (ibid., p. 326), which would include, inter alia, management of the population size, its health and access to basic necessities, the circulation of people and goods, and the monitoring of citizens' activities (ibid., pp. 322–326). The purpose of police power was to arrange society in such an order that would yield maximum benefits for any potential inter-state rivalry.

Mark Neocleous (2000), in contrast, argues that England along with other European states used, and indeed use, the police as an instrument for ordering civil society in its pursuit of class interests. In Neocleous' view, management of the poor and especially their ending-up at the disposal of the labour market was in the interest of the police. Franz-Ludwig Knemeyer observes how until early 18<sup>th</sup> century there was no conceptual difference between the police and domestic administration. The police were concerned both with law enforcement as well as welfare (Knemeyer, 1980, p. 182). Each of the authors shed light on how policing was about viable order, improvement and reform. The connection has since virtually disappeared because the functions previously belonging to the police forces have been redistributed to other state agencies (Neocleous, 2000, pp. 89–91).

IR scholars have rediscovered the lost meaning of the police and consequently started to rethink the nature of international interventions in this light. Consequently, they have

reconceptualized interventions both narrowly, in terms of law enforcement, and widely in the form of order-making. Perhaps the clearest reason for this interest among IR scholars is that international policing is no longer limited to neither cooperation between national police forces nor national police agencies operating outside their respective jurisdictions, but also includes policing by international police forces (see e.g. Greener, 2009, 2011). International police authorities make and guard order both at inter-state and intra-state levels. In peacekeeping context, peacekeepers enforce inter-state order by suppressing violent clashes. A case in point is the previously described first UN peacekeeping mission, UNEF. At the intra-state level, international interventions have become a means to police and to reform domestic societies that are seen to jeopardize international peace and security. (Doucet, 2017, p. 63; also Ryan, 2011.) The desire for viable order is, according to this new reading, at the heart of international interventions.

There are insightful analyses in literatures on development and international relations that shed further light on what motivates interventions. First, in so far as interventions are in the reform business, they have been noted to be animated by a “will to improve”, the will to “to enhance [the recipient’s] capacity for action, and to direct it” (Li, 2007, p. 5). Capacity for action, in turn, is thought to emanate from properly functioning state institutions and therefore repairing or (re-)building them has come to define peace operations’ approach to fostering order, especially after the Cold War (Richmond, 2005, pp. 157–158). Finally, the will to improve the functioning of state institutions rests on an ethos of “post-liberal state-building”, which construes sovereignty as a quantifiable capacity that can be measured in terms of good governance as well as a set of responsibilities for which states can be held accountable. And conversely, poor performance in matters of, say, security and justice sector and/or failure to live up to or violation of sovereign responsibilities, such as protection of civilians, triggers intervention to reform these sectors. (Chandler, 2010, pp. 47–55.) International policing through interventions thus pursues orderly society and reform not for the sake of making the recipient state viable vis-à-vis other states, but for the sake of making it a responsible member of the international community.

The final feature that sets international policing interventions apart from for example warfighting is *reasonable force*. Traditionally in combat, force is used to destroy the enemy, whereas for the police, force is a means to attain compliance. It is to be used only in proportion to the threat and only when necessary (Ryan, 2011, p. 5). The logic of

reasonable force, as we shall see, is manifest in peacekeeping at several levels: in peacekeepers' rules of engagement and use of force, in the UN charter and its exhaustion principle (arts. 39–42), and in the division of labour between international organizations participating in peace operations. It is the organizing principle of peace operations, from the grass-roots level to high-politics.

Conceiving of peace operations as policing in the broad sense of the word helps to understand that as interventions for peace and security, they draw on a diverse toolkit that ranges from consensual methods (development aid) to coercion (military force). In IR literature, interventions are sometimes conflated exclusively with the latter (e.g. Holzgrefe & Keohane, 2003), whilst development aid and other reformative enterprises are left outside this literature precisely because of the absence of coercion (e.g. D. Williams, 2013). The broader conception of police and the notion of reasonable force paint a different picture of intervention; one in which various means from sticks to carrots are used to foster properly functioning institutions – that is, good order. Starting from this vantage point, this section shall examine not only the rise of the UN's constabulary force but also the attempts to administer and reform domestic societies with the intention of improving the recipient states performance and turning them into responsible members of international community.

#### **4.3.1 Policing the former colonies**

The roots of UN policing lie primarily in the colonial world. Indeed, the earliest operations were either deployed to the former colonies of European states or to ensure seamless decolonization. The first peacekeeping force, UNEF, is a prime example of this: the mission was sent to contain the conflict that erupted after Egypt had declared a martial law and nationalized the maritime company managing the Suez Canal. The Canal was a major strategic interest for the United Kingdom and other European powers, and the nationalization limited their access to it. The dispute over access to the Canal quickly escalated into armed conflict with Egypt on the one side against Britain, France and Israel on the other. (see Orford, 2011, pp. 57–68.) In a way, UNEF was thus deployed to police the inter-state order. But it also undertook limited law enforcement tasks in the course of its duration and the troops had limited police powers of arrest and detention (Hansen, 2001, p. 26).<sup>104</sup>

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<sup>104</sup> See UN Secretary-General (1958, paras. 54, 66–68, 140).

The second-ever peace operation, ONUC was also deployed to bring order to the formerly colonized world. In contrast to UNEF, however, the mission in the Congo was in many respects a fully-fledged police operation. Indeed, as sections 4.1.1 and 4.1.2 above describe, ONUC's mandate quickly expanded to public order enforcement, which included, inter alia, protecting civilians, and detaining and deporting foreign mercenaries (though critics have pointed out no actual police officers served in its ranks (apart from the few month stint by Nigerian and Ghanaian police, according to Broes & Emery, 1998, p. 367), and military contingents were not trained for these tasks (e.g. Findlay, 2002, p. 66)).

An interesting example of the UN policing the colonized world comes from the early 1960s Oceania. At that time, a conflict had arisen over the ownership of the West New Guinea between its former colonizer, the Netherlands, and a prospective owner, Indonesia. The parties reached an agreement and, to ensure a smooth transition, the trade partners agreed to host a peace operation in the West New Guinea. For this purpose, the short-lived UN Temporary Executive Authority (UNTEA) and its "police arm", the UN Security Force (UNSF), were established in October 1962 to administer West New Guinea under the leadership of a UN Administrator appointed by the Secretary-General. The tasks of the Temporary Executive Authority included introducing new legislation, appointing officials (including law enforcement), and guaranteeing civil liberties and property rights. The Security Force, with its 1,500 infantry personnel, was responsible for aiding the Papuan police force in its task of maintaining law and order so that the Temporary Executive Authority could perform its duties (Gruss, 2005; MacQueen, 2015).<sup>105</sup> The example is interesting because it shows how ambitious UN policing was from the beginning.

The early peacekeeping experiences thus indicate that many of the policing activities (arrest/detention, protection of order, property and citizens, administration of society, monitoring and reporting) that prevail in today's peace operations were very much present already in the Cold War operations – however temporary or embryonic their manifestation might have been. Moreover, the nature of the missions indicates that from early on, the UN was concerned with disorder, be it societal or institutional. This is in line with the

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<sup>105</sup> See also the mission website for mandate and background at United Nations (2003).



remark made in the previous section; it was noted how ONUC choose establishment of order over Hammarskjöld's basic rules. It was the same with West New Guinea; the basic rules held that the UN is to remain a step away from local affairs and from enforcing political solutions, whilst the peace operation served ultimately as an interim administration for a territory. Thus, the missions indicate how the UN problematized disorder – the absence of proper order – and how it imposed the logic of policing upon peacekeeping, both in the sense of law enforcement and reform. It also allowed the deployment of military components for the purposes of policing (cf. Doucet, 2017, p. 115).

#### **4.3.2 From the emergence of the will to improve...**

A year after the termination of the missions in West New Guinea in March 1964, the term Civilian Police entered the UN peacekeeping vocabulary when the Organization deployed actual police officers to Cyprus. The civilian police officers serving under UNFICYP were to liaise with and shadow Cypriot police officers, monitor checkpoints, help settle ethnic disputes, investigate missing persons cases, and help with refugee relief (Schmidl, 1998, p. 34). As this list of tasks indicates, the civilian police officers were primarily involved in monitoring and reporting. Policekeepers acted primarily as the UN's eyes and ears on the ground and as facilitators of peaceful exchange between Greek and Turkish communities. Their mandate was considerably reduced from that of UNTEA and UNSF. After UNFICYP, moreover, the evolution of policing in UN peace operations halted for the next two decades as the missions established between 1964 and 1988 did not include police components

The next phase in the evolution of UN Police began in late 1980s and the first half of the 1990s, when the UN dispatched new missions to Namibia (1989–1990), El Salvador (1991–1995), Cambodia (1992–1993), Somalia (1992–1995; two performing police tasks and one with a police component),<sup>106</sup> Mozambique (1992–1994), Haiti (1993–1996), and several missions to the former Yugoslavia.<sup>107</sup> Each mission had either a civilian police component or, as was the case with Mozambique, the UN established an independent civilian police mission to watch over the local law enforcement. Unsurprisingly, an increase of civilian

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<sup>106</sup> The first mission, UNOSOM I, neither performed no public security tasks nor had manpower or resources to do so. This proved fateful for the mission. See Lynn and Spataro (1998).

<sup>107</sup> Examination of the role of the police components in each of these missions can be found in the contributions to Oakley, Dziedzic and Goldberg (1998). Background and basic information on past missions is also available at UN peacekeeping website (United Nations, n.d.-b).

police officers followed: at the end of January 1988, the number stood at 35 individual officers, whereas by mid-December 1994, it had climbed up to 2130.<sup>108</sup>

Organizationally, the growth in numbers led to the institutionalization and strengthening of the status of the police within DPKO. First, the UN Civilian Police Unit was established in 1993 and some eight years later, as per the proposition presented in the Brahimi report,<sup>109</sup> the post of the Police Adviser was also created, which elevated the police on par with the military component in the DPKO chain of command (Hansen, 2001, p. 22). The latest reform is the so-called Peace and Security Reform that came into effect from 1 January 2019.<sup>110</sup> In this new architecture, the Department of Peace Operations jointly oversees peacekeeping operations, special political missions and non-mission settings with the Department of Political and Peacebuilding Affairs, suggesting a comprehensive approach to the management of peace and security. The police division is part of the Office of Rule of Law and Security Institutions, which is also home to Justice and Corrections Service; Disarmament, Demobilization and Reintegration Section; Security Sector Reform Unit; and UN Mine Action Service. The institutional linking of the police is, again, in line with the will to improve inhering in policing.

Originally, however, the problematization of disorder became more prominent in UN peacekeeping when the semi-passive monitoring and reporting role of police officers started to change during the first half of the 1990s. During this period, UN officially abandoned the role of an apolitical keeper of the social contract, which it had maintained previously, and engaged in reform and development programmes for the purposes of social engineering. The new position spawned two overlapping approaches for fostering peace: capacity-building, which often took the form of “SMART policing” (Support for human rights, Monitoring, Advising, Reporting, and Training) and the Reform, Restructuring, and Rebuilding (3Rs) of law enforcement and judicial institutions. (Hansen, 2001, pp. 20–22; Hughes, Curth-Bibb, & Hunt, 2013, pp. 19–20.) The two approaches expanded policing in a way that is visible in UN peace operations even today, but the first operations to put the approaches to practice were deployed to El Salvador and Haiti.

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<sup>108</sup> UN Secretary-General (1995a, p. 4).

<sup>109</sup> See UN Secretary-General (2000, para. 222).

<sup>110</sup> See the Peace and Security Reform page at United Nations (n.d.-c).

At the time of deployment, state institutions in El Salvador and Haiti were paralyzed by politicization, militarization of the civilian domain, and wide-spread state and non-state violence. To tame the situations in the two countries, the UN deployed two comprehensive operations that were either assigned or eventually assumed the roles of law enforcer, reformer and supervisor. Reform in the two countries focused especially on law enforcement and judicial institutions with a view to steering them toward depoliticized and human rights sensitive performance of duties and to teaching managerial skills and specialized tasks – such as forensic and investigative skills – to local authorities. In Haiti, development aid was even used to establish university programmes to train legal professionals. The supervisory capacity took the form of SMART policing that entailed monitoring of and reporting on local authorities both in rural and urban areas as well as streets and offices. This way, international police officers could mentor local authorities in all locations and at every level of hierarchy. (On Haiti, see Bailey, Maguire, & Pouliot, 1998; and on El Salvador, see Stanley & Loosle, 1998.)

As for law enforcement, both operations made full use of reasonable force in establishing good order, as per the emphasis on public security in both missions' mandates. In El Salvador, the (unarmed) military component was assigned with the “traditional” peacekeeping task of monitoring compliance to ceasefire accord but it had no direct role in public security tasks per se. However, it took part in securing public order through other tasks, such as disarming and demobilizing armed elements. The police component, on the other hand, would eventually conduct even executive tasks, such as conducting criminal investigations and maintenance of public order and prevention of crime, in addition to the aforementioned tasks. (Stanley & Loosle, 1998, pp. 108–111, 115, 118–120.) In Haiti, both military and civilian police component were armed, though latter only lightly, and thus they both were trusted with maintaining public security. This was done by patrolling the streets, responding to crime and violence and by disarming armed elements and through search and seizure of weapons. Both provided election security for legislative, municipal and presidential elections during the latter half of 1995. (Bailey et al., 1998, pp. 219–221, 228–231, 240–242.)

The SMART and the 3Rs approaches to policing as well as the operations in El Salvador and Haiti reveal the UN's growing concern over proper order. This concern, in turn, led the Organization to endorse policing as a tool for fostering it. Policing took the form of reform, (or development) and law enforcement. Indeed, according to Bailey and others

(1998), the intervenors in Haiti were well aware of the need for “synchronization of actions by military and civilian police elements” (p. 221). The synchronization thus first recalibrated military force for the purposes of law enforcement, that is, protection of order, and then brought about civilian policing to supervise, mentor and reform local authorities and institutions.

#### **4.3-3 ... To full-scale state-building**

Together with for example the mission to Cambodia, where the UN oversaw the organization of elections, took over administrative and public security responsibilities (though it did not assume executive authority; see Wills, 2009, para. 24, also accompanying note 124), the missions to El Salvador and Haiti paved way for expansionist peace operations. There was one development, however, that consolidated the status of will to improve and reform in peacekeeping: connecting the performance of law enforcement and judicial authorities discursively with democratization. This became particularly evident in the UN mission in Bosnia and Herzegovina (UNMIBH, 1995–2002), which at first was limited to monitoring and training local law enforcement and to conduct joint patrolling, but turned toward a more comprehensive reform of the local law enforcement and judicial system at the turn of the millennium (Dziedzic & Bair, 1998, p. 281).

In Bosnia, “democratic policing” became the “guiding philosophy” for the mission. The UN sought to realign local law enforcement so that their primary concern would be the safety of communities and holding everyone equally accountable before the law. The police commissioner directed the UNMIBH police force to demonstrate their role in public service, measure the performance of officers according to a democratic standard, and to re-vet police forces in order to dispose of the unfit material among them. (Dziedzic & Bair, 1998, paras. 295–296.) Accordingly, the commissioner’s direction was captured in six “core programs”, which consisted of vetting and training police candidates; making the police organization more efficient and free from political interference; improve inter-agency relations within the entire criminal justice, law enforcement and security sector; and improve trust in these institutions (den Heyer, 2012, pp. 35–38, see also p. 39, Table 5.3). Neither the UNMIBH police task force nor the civilian administration would assume executive authority over Bosnia, however.

The importance of reform of and by the police had become a given, nonetheless. If a peace operation were to achieve peace, it would have to ensure functional law enforcement and judicial system, the discourse on democratization maintained. This rationale reached its zenith in 1999, when the peace operations to Kosovo (UNMIK) and East Timor (now Timor-Leste; UNTAET)<sup>111</sup> were dispatched to provide the target state with “transitional” and “interim” administration. At the peak of its authority, the UN was managing the East Timorese state and the state-to-be in Kosovo: Both operations were established under Chapter VII of the Charter to set up and run civilian administrations to provide public services for the two states. These parts of the mandate included for example the running of civil and social services as well as preparing the states for self-government through capacity-building.<sup>112</sup> Besides more traditional peacekeeping tasks, UN came to be involved in everything from establishing customs and tax services to garbage disposal (Orford, 2011, p. 93).

The security related parts of the mandates were no less pervasive. Both mandates state that the UN is to establish international security presence in league with other organizations and states. In Kosovo, NATO’s Kosovo Force was responsible for the harder edge of security services and for enforcing the cessation of hostilities, whereas in East Timor UN’s International Force East Timor was responsible for securing the country. Both military components also participated in keeping public order for example in the form of crowd control. The missions in East Timor and Kosovo consisted of three police components: Civilian Police, who were responsible for the quotidian policing tasks as well as mentoring local authorities once they were established; FPU, who, as armed police units, participated in public security tasks; and Border Police, who were responsible for mediating internal and external security. Finally, Kosovar and East Timorese security institutions, too, fell within the remit of capacity-building concerned. The internationals organized the recruiting, vetting and training of new officers for the police and border security agencies. In East Timor, the UN assisted the government to review its entire security sector from the police and military to the Ministry of the Interior and Ministry of Defence. (Greener, 2009, pp. 32–35, 42, 45–48.)

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<sup>111</sup> Timor-Leste hosted a string of peace operations and political missions in the course of 1990s and 2000s, see list of past peace operations in United Nations (n.d.-b). For brevity’s sake, however, this section focuses solely on the only mission with an executive mandate, United Nations Transitional Administration in East Timor (UNTAET, 1999–2002).

<sup>112</sup> See UN Security Council Resolutions 1244 (1999a, paras. 5–11) and 1272 (1999d, paras. 1–6).

The powers which the mandates bestowed on the operations allowed the UN to enforce peace through military units, to secure public order by detaining people and by controlling crowds by force, and to administer justice by controlling justice departments and their staffing (Orford, 2011, pp. 94–95). Ever since the missions in Cambodia, Haiti, El Salvador and Bosnia, the problematization of disorder – understood as dysfunctional institutions – had thus enabled the UN to penetrate deep into the states’ hardest core. The most intrusive missions in Kosovo and East Timor have by now been either scaled down or withdrawn completely and currently the UN does not have such protectorates to manage. Yet, the operations showed what can be done in the name of peace and security if the political will is there.

The ideas of SMART policing and the 3Rs, moreover, have not been abandoned. Indeed, of the 12 active operations with a police component, five operations with the biggest police presence are mandated in varying combinations to protect civilians, monitor human rights situation and implementation of peace accords, maintain public security, facilitate for example the distribution of humanitarian aid and the functioning of civilian organizations, build the capacity of local law enforcement by training and mentoring and support them in policing, support the organization of elections, and to reform security sector institutions.<sup>113</sup> Numbers-wise, police presence in peace operations has strengthened too over time: 12 out of 13 peace operations include police components and their number has increased from 30 officers in 1960 to little less than 10,000 officers in November 2019.<sup>114</sup>

#### **4.3.4 Reasonable force in the UN policing**

The final point concerns the role of reasonable force in peace operations. As explained in the beginning of this section, reasonable force refers to the use of requisite force to attain compliance. In the context of peace operations, the UN and other involved actors must attain compliance from the host government as well as the broader civil society. Hence

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<sup>113</sup> The tasks listed were compiled from the peace operations’ websites, see United Nations (2019a, 2019b, 2019d, 2019e, 2019f).

<sup>114</sup> In November 2019, the total number of officers is 9,181. The five operations with the biggest police components are UNAMID in Darfur, Sudan (2,222 officers), MINUSCA in Central Africa (2,052), UNMISS in South Sudan (1,748), MINUSMA in Mali (1,729), and MONUSCO in the Democratic Republic of the Congo (1,201). The remaining operations have less than 100 officers each. The five biggest police components thus have more than nine out of ten police officers. The amount of officers in each operation was calculated from the data in United Nations (2019c) under the section “Summary of Contribution to UN Peacekeeping by Mission and Post, Police, Military Experts, Troops and Staff Officers 31/10/2019”.

the most comprehensive operations consisted of a cluster of actors, such as the UN and its agencies and sub-organizations (such as the Development Programme and High Commissioner for Refugees), EU, NATO, OSCE, World Bank and other financial institutions as well as countless NGOs. The distribution of labour among the actors in these clusters follows the logic of reasonable force, as the examples of Bosnia and Kosovo indicate: while some actors provide security on the ground (e.g. NATO and UN or for example a collaborative international force), others mentor and reform the police and other public institutions (e.g. EU, OSCE, UN Development Programme, World Bank) and monitor for example elections (e.g. EU and OSCE) (on Bosnia, see Dziedzic & Bair, 1998, p. 271; on Kosovo, see Greener, 2009, p. 33; and Ryan, 2011, pp. 115–116). Thus, actors that are not prepared to use force rely on diplomatic ways to compel states to reform, but the coercive capacities of the Security Council, NATO and armed UN peacekeepers may be deployed whenever necessary.

This section has shown how the UN has problematized disorder, which it generally understands in terms of dysfunctional institutions. The absence of order in the UN's thinking is to be solved by various capacity-building projects that call for reform of and by the police. Indeed, as Barry Ryan (2011) has put it: “[s]tatebuilding in itself is ... a form of *international* community policing” (p. 126, emphasis in original). The problematization has opened the definition of international peace and security once again, with the consequence that the UN, along with other international organizations and actors, has adopted reform programmes that reach into the core institutions of statehood.

#### **4.4 Summary & discussion: civilian protection, militarization, and policing**

This chapter began by examining the UN's problematization of violence against civilians from the earliest peace operations onward. Violence against civilians was first problematized in the course of ONUC during the first half of the 1960s. Violence against civilians stirred moral outrage among the mission leadership, but protection was also seen necessary for the general mandate to maintain order. This led the peacekeepers to deploy inter-positional tactics and to establish safe zones in order to provide protection against immediate threats – tactics that are in use even today.<sup>115</sup> In later operations, peacekeepers would continue using these means, but they would extend protection to humanitarians as

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<sup>115</sup> Department of Peace Operations (2019, paras. 54, 56, 65).

well. Moreover, they would help evacuating civilians. Mere response to direct attacks against civilians, let alone inaction, would not suffice any longer.

Meanwhile, during the 1980s, violence against civilians had reached the agenda of the Security Council, too, as it had started to take notice of the poor observance of IHL and matters of humanitarian aid. This marks a change in the problematization of violence against civilians as it takes a more structural approach to protection than the previous approach, which was concerned merely with immediate threats. This development culminated in the case of Somalia in 1992 where the Council not only defined the conflict *within* Somalia as a threat to international peace and security but also mandated peace operations to carry out civilian protection tasks. The problem of violence against civilians thus became *internationalized*. This is not to say that the response to violence against civilians followed automatically. To the contrary, peacekeeping mandates continued to be vague and operating environments unforgiving for hesitant peacekeepers, as the cases of Rwanda and Bosnia proved. Nonetheless, the Somali case indicates that the Council had acknowledged the existence of violence against civilians and the need to address the problem.

Violence against civilians continued to pester the UN, however, and the failures to protect pushed the Organization to do soul-searching. Consequently, the UN started slowly to integrate civilian protection into its peace and security agenda. The first signs of this came in the form of Secretary-General's reports in 1998 and 1999, which were soon followed by a string of peace operations with a mandate to protect. The initial reports and operations did not immediately translate into policy, however, as it took nearly a decade for the UN to start developing its doctrine of Protection of Civilians. The first draft of the POC policy for peace operations was published in 2010 and the actual policy with accompanying manuals following five and seven years later. Today, the majority of peacekeepers and peace operations are deployed to protect civilians at every step of a peace operation. After the atrocities of the 1990s, the problematization has remained much the same; at its core is the moral indignation, but the concern for maintaining proper order that first emerged during ONUC is still present. This is most clearly indicated by the three tiers of the POC policy which direct peacekeepers to protect civilian by maintaining order in the streets as well as the third tier that guides the consolidation of protective order.



The emergence of civilian protection discourse, techniques and technologies is, however, but one trajectory that has shaped UN protection of civilians. The chapter examined two other such trajectories: militarization and policing. From the very beginning militarization was tied to civilian protection, as the example of ONUC showed. The driving factor behind militarization of peacekeeping is the problematization of adequate force; the UN found itself too often in a situation where it could not respond to aggressions or cope with the hostile environment. As the examination of peace operations in the sections of civilian protection and militarization showed, the problematization concerned order as much as it did self-defence. Force was deemed requisite not only for defending against immediate threats but also for order-making.

The increasing use of force proved to be problematic because it went against the peacekeeping principles of consent, neutrality and impartiality that had become central tenets for the UN peacekeeping imaginary after their initial formulation by the second Secretary-General Dag Hammarskjöld in the late 1950s. More assertive peace operations entailed, firstly, making choices regarding the recognition of legitimate authority in the host state. The question became whom to lend political, military, and financial support, and whom to leave without support or even undermine. The questions weighed on UN's desire to be (seen as) impartial. Secondly, a more assertive approach opened up the concept of self-defence and the thorny issue of using force. As the militarization section above showed, self-defence was redefined as defence-of-mandate which, ultimately, paved the way for the juridical relocation of peace operations under Chapter VII of the UN Charter, thereby blurring the distinction between peacekeeping and enforcement. This, finally, strained on the requirement of consent because even if the deployment of an operation was based on consensus between the UN and the recipient state, the consent would matter less once the mission had boots on the ground.

The broadened concept of self-defence also allowed the deployment of “bigger guns” in the name of peace and security. This is exemplified by the stabilization missions, the intervention brigade deployed to Congo and the increasing reliance on armed policekeepers, the FPU. Bigger guns did not change the overall problematization of adequate force, however, because these innovations emanated from the same source and became permissible by the redefinition of self-defence. What they do is that they further entrench the redefinition of self-defence as defence-of-mandate into the UN peacekeeping praxis. They do so by enacting the language of self-defence and by embedding it into real-

life practices at the Security Council as well as in quotidian peacekeeping. The embedding brings the redefinition of self-defence into life.

The rise of police and policing, finally, came about as the result of problematization of disorder, or the concern over dysfunctional institutions and the fostering of good order through law enforcement and reform. From the very beginning, policing in UN peace operations showed these characteristics; indeed, ONUC was engaged in law enforcement by deporting mercenaries whereas UNTEA sought to enforce the law but also to establish local law enforcement. The primacy of order in peace operations was not as clear then as it is now, however, and the more intrusive reform programmes had to wait before becoming more prominent. This development began with monitoring and mentoring, then progressed to policing through Support, Monitoring, Advising, Reporting, and Training (SMART), and to the Reform, Restructuring, and Rebuilding (3Rs) of security and justice sectors. The trajectory culminated in the Kosovo and East Timor missions which assumed interim authority over the host states and either established or reconstructed security, justice and political institutions all the while enforcing order on the streets. The UN has not deployed equally comprehensive missions since the turn of the millennium, but the police techniques of reform and improvement are part of peace operations even today.

The final point regarding policing in peace operations is that policing rendered reasonable force the organizing principle of peace operations. To attain compliance of the target state of intervention, a myriad of international organizations contributes to its reform, using various measures ranging from Security Council sanctions to financial sticks and carrots used by international financial institutions and finally to order-making and -keeping on the ground by peacekeepers. The operations in Kosovo and East Timor were the high point of this modus operandi, but the principle was present in Haiti and El Salvador and even in the workings of UNTEA in West New Guinea. The idea is that the international community, acting through peace operations and following the “post-liberal state-building” ethos (Chandler, 2010), compels states that are found to be unstable and irresponsible to change their ways in order to regain full membership in the international community.

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The question remains, however, how is civilian protection related to all this? To begin with militarization, it was observed how peace operations' mandates have gradually become more permissive of use of force. Another key feature of militarization is the expanding definition of self-defence. Finally, militarization manifested in the form of new innovations that provided peace operations with "bigger guns". These include the stabilisation missions, MONUSCO's intervention brigade, and the Formed Police Units. Ever since the early operations in the 1960s, the difficult situations to which peacekeepers were sent have provided the necessary push for these innovations. Hostile environments have forced the UN to question the adequate level of force.

These developments are related to civilian protection, too. This is indicated, first of all, by the fact that an overwhelming majority of peacekeepers and peace operations in the 2000s and 2010s are mandated under Chapter VII of the UN Charter to protect civilians by any means necessary. The majority includes the stabilization missions as well as the intervention brigade. Besides mandates, secondly, the POC guidelines for both military<sup>116</sup> and police<sup>117</sup> components incorporate civilian protection into peacekeepers' quotidian activities. Finally, Protection of Civilians has gradually become a central task for the militarized part of the UN police, the FPU: in the first UN policy on the FPU from 2009, protection of civilians is listed as part their public order management tasks,<sup>118</sup> but the revised policy from 2016 redefines the protection of civilians as one the FPU's "core functions".<sup>119</sup> The reformulation is modest but it nonetheless indicates an increased emphasis on civilian protection.

These factors indicate how Protection of Civilians is intimately linked with militarization: On the one hand, POC necessitates militarization because without requisite force protection would be impossible. On the other hand, militarization defines in part what POC entails for the UN – that is, how civilians are to be protected. Protection of Civilians thus serves as a new language that justifies a permissible approach to the use of force. Despite its presence in the doctrine, it was also noted that militarization had not resulted in any consistent use of force by peacekeepers in the field because of diverging views as to what peacekeepers are obliged to do when mandated to protect civilians.

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<sup>116</sup> DPKO & DFS (2015a, 2017a).

<sup>117</sup> DPKO & DFS (2017b).

<sup>118</sup> DPKO & DFS (2009, para. 17).

<sup>119</sup> DPKO & DFS (2016, para. 13).

The connection between UN POC and policing is even more profound. In fact, it is policing, broadly conceived, that connects the different trajectories within the dispositive of UN POC. As we saw in section 3.1 above, the POC policy divides protection into three tiers (protection through dialogue and engagement, provision of physical protection, and establishment of a protective environment) and four phases (prevention, pre-emption, response and consolidation). (This, in effect, is the reasonable force paradigm examined in the previous section.) The first tier includes actions such as

dialogue with a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians, public information and reporting on POC, and other initiatives that seek to protect civilians through public information, dialogue and direct engagement.<sup>120</sup>

With its emphasis on dialogue, the first tier is about persuasion with soft means.

According to the second tier, if dialogue proves insufficient, peacekeepers may resort to forceful measures. This tier consists of all means that involve the threat or use of force “to prevent, deter, pre-empt and respond to situations” that endanger civilians.<sup>121</sup> While the tiers are not to be construed as sequential and they may overlap, escalation is integral to the policy. Moreover, both military components and policekeepers are to use minimum level of force as required by the situation. The logic is that level of force escalates from “authoritative presence” (cooperative control tactics such as verbal commands and apprehension tactics) to “non-deadly force” (tactics for control, compelling compliance, and for defence) and ultimately to “deadly force” (use of firearms to vital areas).<sup>122</sup> In accordance with this logic, peacekeepers are allowed to use force to protect civilians even against host state forces or elements serving under them whenever there is a reasonable belief of hostile intent.<sup>123</sup> *Protection by both military components and policekeepers is thus modelled on the reasonable force paradigm.*

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<sup>120</sup> DPKO & DFS (2015b, para. 30).

<sup>121</sup> Ibid.

<sup>122</sup> See the “use of force continuum” visualized in DPKO & DFS (2017a, p. 5, see also paras. 11–12); see also the PoC Template for Force in the military guidelines on civilian protection (DPKO & DFS, 2015a, Annex B). The continuum presented here applies only to military components, but the logic is essentially the same for armed police officers: use of force must be necessary, proportional and escalate gradually. See DPKO & DFS (2016, paras. 72–74).

<sup>123</sup> Ibid., paras. 17, 23, 32, see also terminology on p. 19.

The third tier, consolidation of peaceful environment, finally, represents the other dimension of policing: monitoring and reform. This tier includes activities undertaken to support political processes and disarmament, demobilization, and reintegration programmes, to reform security and justice sectors, and to facilitate the return of the internally displaced and refugees, among other things.<sup>124</sup> The reforms are often programmatic in nature and they are initiated by Security Council resolutions, which is to say their level of coercion depends on the Council's mandate. In the past, the UN has not reformed state agencies through brute force, but coercion is not unprecedented. Indeed, the High Representatives of the UN missions to Bosnia and East Timor enjoyed first a *de facto* and then *de jure* executive authority over the host state, which allowed them to impose legislation, overrule decisions by and even dismiss democratically elected local officials, as Anne Orford (2011, p. 99) has noted.

The three tiers suggest, to begin, that the problematization of violence against civilians implies a conception of international peace and security that goes beyond armed conflict and peace *between* states. These concerns are not forgotten, but as is the case especially with the third tier, the problematization also includes the safety of individuals as well as the idea of functional society. International peace and security is thus about good order, and the role of Protection of Civilians is to provide a platform through which states are prepared for mature statehood that includes the will and ability to protect civilians within their territory. Conversely, if civilians are not properly protected there can be neither peace nor security. And if the Security Council so deems, lack of protection triggers the "UN policing machine" (Ryan, 2011, pp. 86–87), which may involve anything from "traditional peacekeeping" to enforcement and to development aid and state-building programmes. This conception of international peace and security is enshrined in numerous UN documents dating back at least to 1999.<sup>125</sup> Together the diplomatic approach of tier one, peacebuilding approach of tier three and the provision of physical protection of tier two make the UN POC a form of policing in both narrow and wide

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<sup>124</sup> DPKO & DFS (2015b, para. 30).

<sup>125</sup> For instance the first resolution in which the Security Council endorsed the POC concept, Resolution 1265 (UN Security Council, 1999b), reaffirms "the primary responsibility of States to ensure their protection" (p. 2) and "[e]mphasizes the responsibility of States to end impunity and to prosecute those responsible for genocide, crimes against humanity and serious violations of international humanitarian law" (para. 6). This idea is also part and parcel of the R2P concept formulated in the General Assembly's *World Summit Outcome Report* (2005, para. 138). The Global Centre for the Responsibility to Protect (2019) has collected all the references to the related principles of R2P in Security Council resolutions and Council president's statements, all of which remind states of their "primary responsibility" to protect civilians in their territory.

senses of the word. *It thus incorporates both the reasonable force paradigm with the desire of good order.*

Moreover, the lens of policing helps to understand the role of militarization in peacekeeping too: peacekeepers' coercive measures range from verbal commands to deadly force. Deadly force has two sub-categories distinguished by the level of force: deadly force of police and that of soldiers. According to the DPKO policy *Authority, Command and Control in United Nations Peacekeeping Operations*, military components assume leadership over the police whenever there is "sustained use of firearms or military weaponry". Until then, the police have primacy.<sup>126</sup> On the one hand, then, military force represents the far-end of the continuum of reasonable force. On the other hand, the military may be assigned with tasks that are essentially those of the police, such as intelligence gathering for situational awareness, patrolling, investigation and collection of evidence, controlling movement, and riot/crowd control.<sup>127</sup>

This is where the present thesis is in slight disagreement with Doucet's (2017, pp. 114–115) assessment. He first connects UN POC with policing and order-making, a point we both share. But then he argues that

the rationality that is the protection of civilians allows for this transition between police and military components of peacekeeping. *It is the protection of civilians that enables the deployment of military assets as a public order management force.* Once on policing duties to protect civilians, the deployment of military force can be calibrated in a manner that resembles police power. (Doucet, 2017, p. 115, emphasis added)

There are three minor imprecisions here. First, Doucet does not seem to fully appreciate that UN POC expands the concept of international peace and security into the domestic sphere, as argued above. This expansion strengthens the UN's authority vis-à-vis states. The second imprecision is semantic. It lies in the remark about how the "transition between police and military components" that allows the latter to function in a manner that *resembles* policing. The wording implies that the two are similar yet distinct forms of power. It is not a matter of resemblance, however. The military is, as a matter of fact, deployed to perform police functions – to protect civilians and enforce order – as per the POC policy.

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<sup>126</sup> DPKO & DFS (2008a, para. 100). FPU's can resort to lethal force only when it is absolutely necessary and less-than-lethal means have been exhausted (DPKO & DFS, 2016, para. 71).

<sup>127</sup> DPKO & DFS (2012, pp. 123–136, 2015a, pp. 6, 20).

The last imprecision is historical. As we saw in the two previous sections, even the earliest operations (ONUC, UNTEA, and UNEF to a smaller degree) had military performing police functions. Thus, it is not protection of civilians that allows the transition from military to police, but the problematization of disorder and the redefinition of self-defence as defence-of-mandate that allowed the repurposing of military force for policing. Protection of civilians is but one factor more that supports the reasonable force paradigm. In any case, military contingents and FPU's have become an integral part of the policing logic of UN POC that operates on the basis of reasonable force. Next chapter continues the examination of problematization of violence against civilians by turning to Secretary-General's Protection of Civilians discourse.

## **5 UN and the problematization of violence against civilians II: The Protection of Civilians discourse**

This chapter continues the examination of the problematization of armed conflict, violence against civilians and civilian protection in the Secretary-General's report series *Protection of Civilians in Armed Conflict*. The series comprises 15 reports published between 1999 and 2019. The chapter is a continuation of the preceding chapter in the sense that it examines the rationalization and justification of the practices of protection that had emerged ever since the 1960s. In other words, whereas the previous chapter used scholarly literature to reconstruct key historical trajectories that have shaped United Nations peace operations, the present chapter examines the POC discourse and how it has developed during the past 20 years. How does the discourse absorb the insecurities that civilians face within the remit of the UN? Why the UN's solutions to the problematizations of violence against civilians, adequate force and disorder might appear reasonable? What kind of social sorting does the discourse entail? Answering these questions is the task of this chapter.

The answers are sought with the alternative conceptualization laid out in Chapter 3. Protection is here taken as a word that has a degree of stability in so far as it implies a fixed social setting: one between the referent object(s), protector(s) and insecurity. However, who protects whom from what is a question that may be answered again and again ad infinitum by different actors. UN POC is one answer among many to this question. This much became evident from the mainstream analyses trying to make sense of the conceptual mesh that the Protection of Civilians represents. This also implies that the UN POC discourse is a specific way of thinking a problem and how it could be managed. It is a *problematization*. It emerged to justify and rationalize the nascent protection programme examined in the previous chapter.

The entire chapter is dedicated to the analysis of this problematization. It first examines the nature of armed conflict and the distribution of protective responsibilities that the POC reports envision. Next, section 5.2 unfolds into nine sub-sections, each of which examines an insecurity that threatens or puts civilians at risk. Due to its length, the section concludes with a summary of the insecurities, and then moves to the concluding section to bring all the threads of the entire chapter together. The concluding section also presents a lengthy discussion on the nature of insecurities in the POC discourse, the intertextual links with



other peace and security discourses that originate in the 1990s and, finally, the politics of protection more generally..

## **5.1 Armed conflict and the international community in the UN POC discourse**

The United Nations Protection of Civilians discourse postulates the nature of armed conflict has changed. This new type of conflict is, in the Secretary-General's analysis, one in which civilians are increasingly victimized: "As is now well known, civilians, rather than combatants, are the main casualties of conflicts today."<sup>128</sup> Important here is not only the fact that civilians suffer, but that civilian casualties are characteristic of "the new warfare that has emerged" – a feature which is taken to be largely absent in yesterday's conflicts.<sup>129</sup> These arguments often feature in the opening section of the reports, which underlines how they serve as the premise of the report, rather than an argument to be developed.<sup>130</sup> Other characteristics are the non-international nature of conflict, asymmetry between parties to the conflict, displacement, counter-terrorism operations and private military and security actors.<sup>131</sup> The reality of armed conflict today is that "large numbers of civilians remain at risk of, or suffer, brutality and degradation. Some are simply in the wrong place at the wrong time. Others are deliberately targeted and subjected to atrocities in an environment of almost total impunity."<sup>132</sup> The multifaceted understanding of armed conflict today sets the scene for a broad understanding of protection.

Similarly, the vision of protection, its organization and participants, is multifaceted. The bottom line for the Secretary-General is that states and other parties to a conflict are the primary responsible parties for the provision of protection within their territories.<sup>133</sup> That is, they should first and foremost observe international humanitarian law. Furthermore, they ought to avoid civilian casualties, allow and support the distribution of humanitarian aid, and provide protection for the displaced. However, this fundament comes often with a qualification: if a state or parties to the conflict are "unable or unwilling" to fulfil their

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<sup>128</sup> UN Secretary-General (2002, para. 12).

<sup>129</sup> UN Secretary-General (2005b, para. 3).

<sup>130</sup> See UN Secretary-General (1999e, para. 8, 2001, para. 3, 2004, para. 3, 2012, para. 4, 2013, para. 8, 2015b, para. 4, 2016, para. 3, 2018, para. 5, 2019, paras. 4–5).

<sup>131</sup> UN Secretary-General (2007, paras. 5, 7–9, also 2009b, para. 24, 2019, paras. 25–27).

<sup>132</sup> UN Secretary-General (2007, para. 4).

<sup>133</sup> See UN Secretary-General (2001, para. 7, 2002, para. 37, 2004, para. 24, 2005b, para. 21, 2007, para. 3, 2010, para. 40, 2013, para. 74, 2015b, para. 7, 2016, para. 55, 2017, para. 58).

responsibilities, as the truism goes, the so called international community (the UN, other international organizations and non-governmental organizations) may step in. This interventionist logic became entrenched in the UN parlance especially after the endorsement of the R2P concept in 2005,<sup>134</sup> although it had appeared in the POC reports in one form or another even before.<sup>135</sup>

The protective responsibilities trickle down in other forms, too. Third parties, such as regional organizations, are expected to share information and best practices in order to improve protection. Domestic civil societies and NGOs, on the other hand, must be harnessed not only to provide relief and assistance but also to serve as the wider international community's eyes and ears in the field. Private sector serves as a service and commodity provider in the Secretary-General's vision, a supporting actor in the broader peacebuilding efforts. At the level of individuals, women and particularly children, though mostly victims, are to be utilized as mediators, economic actors and liaisons through which for example disarmament, demobilization and rehabilitation programmes can be facilitated.<sup>136</sup>

Secretary-General's thoughts on peace operations' role in civilian protection are based on the idea of a "broad prevention agenda"<sup>137</sup>: civilian protection is "a whole-of-mission endeavour encompassing civilian, military and police functions such as engaging with local communities, mediating disputes, monitoring human rights violations and gathering information to prevent future violence."<sup>138</sup> Besides physically protecting endangered civilians, especially vulnerable groups, military and police components are to provide the necessary security guarantees for non-UN actors involved in protection, whilst civilian personnel are to engage in such activities as diplomacy, improvement of security and law

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<sup>134</sup> See UN General Assembly (2005, paras. 138–140) and UN Security Council resolution 1674 (2006).

<sup>135</sup> UN Secretary-General (2001, paras. 24, 51, 2004, paras. 24, 39, 2005b, paras. 6, 28, 2007, paras. 3, 19, 2009b, para. 58, 2010, para. 50, 2015b, paras. 7, 39, 44, 2016, para. 55). In the 1999 report, Secretary-General Kofi Annan (1999e, para. 67, also p. 20, recommendation 35; see also UN Secretary-General, 1998a, para. 35) called for humanitarian intervention in dire situations after which the interventionist logic and rhetoric become less vocal. Generally, it is the state responsibilities that get more and more emphasis in later reports. This is in line with for example Security Council's resolutions invoking R2P, which often simply state that protection of civilians is the responsibility of states and national governments (for relevant excerpts, see Global Centre for the Responsibility to Protect, 2019).

<sup>136</sup> This brief summary of protective actors and their roles is based on an early report (UN Secretary-General, 2001, paras. 46–63), but the vision remains fundamentally the same in later reports.

<sup>137</sup> UN Secretary-General (2018, para. 5).

<sup>138</sup> UN Secretary-General (2017, para. 73, also e.g. 2009b, para. 53, 2016a, para. 57).

institutions, as well as community outreach and other peacebuilding tasks.<sup>139</sup> Peace operations are also one way for the UN to liaise with other protection actors such as humanitarian NGOs and civil society groups.<sup>140</sup> In spite of labelling civilian protection a peacekeeping priority, however, underlying the broad prevention agenda is the same protection logic that defines R2P: civilian protection is first and foremost the responsibility of states themselves, which the UN and international community ought to support through, for example, development programmes or peace operations.<sup>141</sup>

In sum, this section has demonstrated how the UN POC discourse is premised on the notion of a new type of armed conflict that increasingly victimizes civilians. The problem is taken to be so severe that it warrants the attention of the international community, which has to address the problem comprehensively if it is to deal with it, while still remembering that it is the states who are primarily responsible for protecting civilians. As shall be discussed in the closing section of this chapter, this is significant for understanding the overall security logic of the UN POC.

## **5.2 Insecurities and referent objects in the UN POC discourse**

This section turns to the construction of insecurities in the UN POC discourse. Table 5.1 below lists the nine main sources of insecurity identified in the UN POC discourse between 1999 and 2019. The table illustrates when an insecurity appears in the reports and when it disappears (if this is the case). The table thus illustrates constancy and fluctuation of insecurities in the POC reports. It does not indicate the importance of a given insecurity, however, because gravity is determined more by qualitative than quantitative factors. The ensuing sections therefore analyse in detail the qualitative features of these insecurities. They ask what the insecurities risk or threaten and how they do so. Of interest is also change in the sub-discourses: have the sub-discourses changed and if yes, how? While the temporal aspects of the sub-discourses have little importance for the main conclusions of this thesis, they are nonetheless important because the temporal element helps to avoid too far-reaching generalizations. Moreover, the temporal shifts in the discourse are of general interest.

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<sup>139</sup> UN Secretary-General (2005b, para. 23, 2009b, paras. 49, 53, 2010, paras. 36–42, 2012, paras. 54–55, 2013, paras. 43, 45–46, 48–49).

<sup>140</sup> UN Secretary-General (2012, paras. 52, 54).

<sup>141</sup> UN Secretary-General (2016, para. 55, 2017, para. 58).

I deduced the categories by identifying all the factors that the Secretary-General considered threatening, risky or harmful for civilians and civilian protection. This is not to say I first counted each and every reference to different insecurities, and then categorized the observations into the table. Instead, my focus lay in the *meaningful references* that specify how a menace is or might become a matter of insecurity. Thus, in the final analysis, I included for example references to “terrorism” that illustrate how the phenomenon endangers the distinction between civilians and combatants. Conversely, I discarded passing references to terrorist acts that might have been negative in tone, but not substantive.

A general remark about the insecurities is in order before examining the individual insecurities. The insecurities listed in the reports do not constitute a mortal enemy à la Schmitt. Rather, as will be detailed below, they form a discursive web of insecurities, which together make life uncertain and precarious, and sometimes even dangerous. This is curious from a theoretical point of view because, as we saw in chapter two, securitization theory asserts that securitization often revolves around enmity and the naming of an existential enemy – in other words, the social construction of the menacing Other. A word query of “enemy” throughout the POC reports shows that the word “enemy” is almost completely absent from the reports. The query returns six hits: the reports from 2004, 2007 and 2010 each mention the word once, whereas the 2009 report mentions it thrice.<sup>142</sup> Each report discusses how attacks against enemies by the parties to a conflict affect civilians, but the UN does not seem to have enemies of its own, only parties to conflicts.

A query of the more general word “threat” and stemmed words, in turn, shows that threats are discussed in every report, but when examined in context, the nature of threats remains vague. When threats are named, they are acts, lifeless objects or phenomena and processes, such as commercial exploitation of conflicts, crimes against humanity, explosives, genocide, mixing of combatants into civilian population, obstruction of humanitarian assistance, piracy, sexual exploitation of civilians, terrorism and war crimes, but never individual actors.<sup>143</sup> The amorphous nature of threats that cannot be located in any distinct problem underscores the emphasis on complexity that underlies the “new

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<sup>142</sup> UN Secretary-General (2004, para. 4, 2007, para. 7, 2009b, paras. 24, 46, 2010, para. 8).

<sup>143</sup> UN Secretary-General (1999e, para. 67, 2002, paras. 12, 34, 61, 2004, para. 10, 2009b, para. 41, 2010, para. 32, 2012, para. 11).

wars” premise of the UN POC discourse. Consequently, there is no one enemy whose elimination would solve the problem of violence against civilians. The ensuing subsection illustrate how the insecurities are many, and to protect civilians they must be managed.

**Table 5.1** Insecurity sub-discourse as they feature in the Secretary-General’s POC reports 1999–2019.<sup>144</sup>

Insecurity sub-discourse	POC reports by year														
	1999	2001	2002	2004	2005	2007	2009	2010	2012	2013	2015	2016	2017	2018	2019
Commercial exploitation	x	x	x	x	x	x							x		
Denial and obstruction of aid and protection	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Displacement	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Hate media	x	x													
Ill-designed sanctions	x														
Lawlessness and dysfunctional justice and security sectors	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Socio-economic disruption	x		x	x	x	x		x						x	x
(Counter-)Terrorism			x	x	x	x			x	x				x	x
Weapons technologies & proliferation	x			x		x	x	x	x	x	x	x	x	x	x

The recurrence of the myriad of insecurities has varied remarkably over the years in the reports, as the table illustrates: the only constant insecurities are the *denial and obstruction of protection*, *displacement*, and *lawlessness and dysfunctional justice and security sectors*. They feature in each report. The rest of the sub-discourses feature in the reports unevenly. The sub-discourse *weapons technologies and proliferation of weapons* is almost constant as it is discussed in twelve reports. *Commercial exploitation* (occurs in 7 reports), *socio-economic disruption* (8) and *(counter-)terrorism* (8) on the other hand, are little less but still relatively prominent as they occur in around half of the reports.

<sup>144</sup> I used the query function of NVivo produce this table. To do so, I ensured that the *absences* of insecurities are correct and therefore did not query the insecurities that featured in every report. Based on key words selected during the initial perusal, I searched for stemmed words in order to cast as wide a net as possible. The root words were: “commercial” and “exploit” for commercial exploitation; “displace” for displacement; “media” and “journalist” for hate media; “sanction” for ill-designed sanctions; “social” and “economic” for socio-economic disruption; “terror” for (counter-)terrorism; and “weapon,” “munition,” “mine,” and “drone” for weapons technologies & proliferation. After the queries, it was possible to judge the contextual relevance of the query results.

Finally, there are the less-frequent *hate-media* (2) and *ill-designed sanctions* (1) sub-discourses that disappeared from the reports shortly after their introduction.

### 5.2.1 Commercial exploitation

In Secretary-General's discourse, *commercial exploitation* refers to the kind of exploitation that undermines civilians' capacity to survive from the conflict environment as well as to exploitation that prolongs combat and sustains the threat to civilians. The most obvious harmful conflict dynamic is the confiscation and looting of civilian property and belongings by the parties to the conflict for the purpose of supporting and funding combat.<sup>145</sup> Another harmful dynamic is that of the "resource curse", which refers to the competition over natural resources by states, non-state actors and private corporations that in weakly governed parts of the world not only drains the region of its wealth but also may result in or sustain armed conflict and therefore also violence against civilians.<sup>146</sup> A third dynamic of commercial exploitation relates to gender based violence and especially to sexual abuse and exploitation: while women and children face sexual violence as such during times of conflict they may also become prey for human traffickers, or they may be enslaved or forced to prostitution. The insecurity here arises, according to the reports, from the uneven power-relations that leave women and children vulnerable vis-à-vis the parties to the conflict as well as humanitarians and peacekeepers.<sup>147</sup>

As the insecurity dynamics presented above indicate, the apparent referent objects of this insecurity are the civilians – exploited men, women and children – and the precarious condition arising from their subordinate position. Yet, Secretary-General sees here other dynamics too that give the insecurity transnational dimensions:

While armed conflicts may frequently occur within rather than across borders, they nonetheless have implications for the regions where they are fought. These include the flow of refugees seeking safety in neighbouring countries, *human trafficking*, the illicit flow of small arms and *the illegal exploitation of natural resources*. In many cases, such as that of West Africa, conflict in one country contributes to overall instability in the region, requiring regional approaches to the protection of civilians.<sup>148</sup>

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<sup>145</sup> UN Secretary-General (2004, para. 22, 2005b, para. 3, 2007, paras. 52–54).

<sup>146</sup> UN Secretary-General (1999e, para. 13, 2001, para. 61, 2002, para. 58, 2004, para. 49, 2005b, para. 39, 2007, para. 53).

<sup>147</sup> UN Secretary-General (1999e, para. 18, 2001, para. 59, 2002, paras. 31, 54, 56, 2005b, para. 39, 2017, paras. 12, 65). Sexual abuse and exploitation by peacekeepers and humanitarian workers are well-known problems and therefore they are sometimes considered as sources of insecurity too.

<sup>148</sup> UN Secretary-General (2005b, para. 39, emphasis added).

Emphasized in the quote are the forms of commercial exploitation that may have transnational implications – viz. human trafficking and exploitation of natural resources. Thus, while *prima facie* a threat to civilians, commercial exploitation can become an international security matter because it may jeopardize regional stability.

### **5.2.2 Denial and obstruction of protection**

The second source of insecurity, *denial and obstruction of protection*, has been constant topic in the POC reports. Its status was institutionalized in 2009 when the Secretary-General named ‘humanitarian access’ as one of the ‘core challenges’ of civilian protection. In 2017, humanitarian access featured among the three POC “protection priorities”, which the two subsequent reports share too.<sup>149</sup> The appointment of core challenges and protection priorities indicate the institutionalization of this idea because they serve as templates for future POC reports and thereby lay path for observing insecurities. According to the reports, denial comes in many shapes and forms, and while it occasionally results from intense conflicts, it is often deliberate obstruction. Forms of deliberate sabotage are often used under the guise of sovereign prerogative. When aid and protection are not outright denied, they may for example be sabotaged through bureaucratic means, such as denials of visas for foreign personnel, as well as constraints on operations (e.g. curfews) and restrictions on free movement (e.g. roadblocks). Sometimes international personnel are intimidated with violence, attacked, abducted or even murdered. Aid convoys are also targeted and robbed.<sup>150</sup>

In the reports, the insecurity of obstruction arises primarily from the indirect harm it causes to civilians: “the denial of access prolongs suffering and kills people.”<sup>151</sup> This logic underlies all discussions of denial and obstruction either explicitly or implicitly and is therefore fundamental for this category. Generally, Secretary-General’s discourse on

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<sup>149</sup> See UN Secretary-General (2009b, 2017, 2018, paras. 20–30, 2019, paras. 38–44). The five core challenges are enhancing compliance by parties to conflict with international law, enhancing compliance with the law by non-State armed groups, enhancing protection through more effective and better resourced peacekeeping and other relevant missions, enhancing humanitarian access, and enhancing accountability for violations of the law. The three protection priorities are: enhance respect for IHL and IHRL and promote good practice by parties to conflict, protect the humanitarian and medical mission and accord priority to the protection of civilians in UN peace operations, prevent forced displacement and pursue durable solutions for refugees and internally displaced persons.

<sup>150</sup> A detailed analysis of obstruction is presented in the annex of 2009 POC report (UN Secretary-General, 2009b, pp. 18–29).

<sup>151</sup> UN Secretary-General (2015b, para. 38).

denial and obstruction has varied only little. However, for example in 2002, he noted that killings and abductions of the personnel of international organizations

do not simply destroy individual lives. *They are an attack on the emblem of the United Nations and ICRC and other humanitarian organizations*, an attempt to drive them out and to deny their role as protectors of civilians in conflict.<sup>152</sup>

Obstruction and denial are thus drawn within the remit of the Security Council and UN's POC agenda because they pose a threat for the entire international peace and security enterprise and not just the physical wellbeing of peacekeepers and humanitarians.

Another variation to the general logic of this sub-discourse can be observed in the 2007 report where the referent object at jeopardy is neither a civilian population nor their protector, but the profitability of the POC enterprise. In that report Secretary-General argued that obstruction can “undermine the impact of assistance that can be provided, reduce the protective value of a humanitarian presence among vulnerable populations and lead to higher operational costs.”<sup>153</sup> In other words, the security logic here concerns not survival or even well-being but the returns expected from humanitarian aid. In sum, while the indirect harm to civilians is the primary source of insecurity in this category, other referent objects (value of protection efforts, organizational integrity) insert a more systemic character to the sub-discourse.

### **5.2.3 Displacement**

The third source of insecurity, *displacement*, is often the consequence of violence against civilians, but it is also a source of insecurity in and of itself. Besides being discussed in every POC report, this insecurity was institutionalized in the protection agenda as it was appointed a protection priority in 2017, ostensibly because the number of displaced persons reached a record high of 65 million persons during the reporting period.<sup>154</sup> The two subsequent reports continue along these lines.<sup>155</sup>

Displacement, be it cross-border or domestic, is either an indirect consequence of conflict or a deliberate combat strategy that endangers first and foremost the displaced: they lose the shelter of their home, they may end up in camps where they suffer from poor or

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<sup>152</sup> UN Secretary-General (2002, para. 22, emphasis added).

<sup>153</sup> UN Secretary-General (2007, para. 34).

<sup>154</sup> UN Secretary-General (2017, paras. 60–67).

<sup>155</sup> UN Secretary-General (2018, paras. 16–19, 2019, paras. 35–37).



sometimes inhumane conditions, they are threatened by state and non-state actors alike who attack the camps or infiltrate and militarize them.<sup>156</sup> Women and children in particular are more exposed to sexual exploitation and abuse, forced recruitment either to the parties to the conflict or general enslavement. Displacement also undermines legal protections non-displaced persons may have, such as access to justice, employment, and property rights.<sup>157</sup> Displacement is thus a root cause for a host of insecurities for civilians, which is the primary concern for the Secretary-General throughout the POC reports.

There is one notable shift between pre- and post-2004 reports, however. Before 2004, in addition to the personal safety of the displaced, Secretary-General was also concerned about the systemic effects caused by displacement and what it might do to regional stability. A specific concern is the possibility of armed elements infiltrating displaced civilian populations in refugee camps or outside them, which might result in the militarization of refugee camps and border zones, the spread of conflict into other states, and ultimately the destabilization of recipient states and regions.<sup>158</sup> Now, because of the fear of the “enemy within”, it is no longer the civilian whose security and well-being is at stake. Instead, at stake are the security of refugee camps and border zones, and the stability of states and regions. Thus, even if it is acknowledged that not all individual members of the displaced population are dangerous, the mere possibility of an “enemy within” places displaced populations under suspicion and designates them as a target for weeding out armed elements.<sup>159</sup> After 2004, this concern disappears from the reports.

There are further nuances still to Secretary-General’s displacement discourse. For example in 2004 he noted that protracted displacement can prolong conflicts and hinder peace processes,<sup>160</sup> and earlier in 2002 he argued how “massive movements of displaced populations across international borders, most frequently prompted by civil wars in

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<sup>156</sup> UN Secretary-General (1999e, paras. 8, 13, 2004, para. 4, 2005b, para. 20).

<sup>157</sup> UN Secretary-General (1999e, para. 11, 2001, para. 22, 2017, paras. 60–66, 2004, para. 22, 2005b, paras. 17–20, 2007, paras. 54–55, 2010, paras. 13–15, 2012, para. 5, 2013, paras. 9, 22, 2015b, paras. 41–42, 2016, paras. 41–46).

<sup>158</sup> The most detailed examination of this hazard can be found in the 2002 report but the same security logic is present in other reports as well, see UN Secretary-General (1999e, paras. 14–15, 2001, paras. 28–30, 2002, paras. 31–36, 2004, para. 22).

<sup>159</sup> The specific security measures may vary from one protector to another, but for example an aide-memoire authored by UN High Commissioner for Refugees and ICRC (2018) propose *screening* for the identification of threatening individuals; *separation* of those who continue to engage in combat or otherwise compromise security from those who do not by expulsion from the protected site, transfer to another place, reporting to authorities and, in extremis, deprivation of liberty; as well as *disarmament, demobilization and reintegration* and other programs in order to rehabilitate former combatants back into civilian life.

<sup>160</sup> UN Secretary-General (2004, para. 24).

[Africa], have altered delicate ethnic balances in neighbouring States and thereby destabilized the recipient societies.”<sup>161</sup> Like the enemy within, displacement jeopardizes international peace and security by undermining peace and by altering demographic makeup and is therefore a source of international concern. Under the “enemy within” and “ethnic balance” logics, the displaced are not victims, but risks.

#### 5.2.4 Hate media

The sub-discourse *hate media* was a short-lived one. In fact, a text search query shows that, so far, Secretary-General has discussed media and/or journalists in ten POC reports,<sup>162</sup> but the “hate media” frame was present only in the first two reports of 1999 and 2001. In this frame, the media is seen as a source of insecurity for civilians because “[h]ate speech, misinformation and hostile propaganda continue to be used as blunt instruments against civilians, triggering ethnic violence and forcing displacement.”<sup>163</sup> In this sub-discourse, there are no other endangered referent objects except civilians and peace, but only by implication.

As noted above, however, the media did not disappear from the POC reports altogether. Instead, the utility of media in conflict management that the Secretary-General had noted already in 1999 became the dominant frame after 2001,<sup>164</sup> while journalists, whose “[i]ndependent and accurate reporting is essential to expose human suffering, restrain military actors and put pressure on political actors to find solutions to conflicts and promote accountability,” have become allies.<sup>165</sup> They are also victims to be protected.<sup>166</sup> The shift is notable because incitement of hatred and violence has hardly disappeared from conflict zones. Instead, it is the Secretary-General’s discourse that has become more selective.

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<sup>161</sup> UN Secretary-General (2001, para. 28).

<sup>162</sup> The query was based on a search for the words ‘media’ and ‘journalist’ and stemmed words. At first, the query found the search words in 12 reports, but the findings from the 2002 report comprise of quotations from the 1999 and 2001 reports included in an annex, and the sole the finding from the 2004 report does not refer to a discussion of media and violence against civilians. Therefore, these reports were not included in the total number above. The 2005 report does not mention either of the words, which leaves the total number to ten.

<sup>163</sup> UN Secretary-General (2001, para. 38, also 1999e, para. 48).

<sup>164</sup> UN Secretary-General (1999e, para. 48, 2001, paras. 39–40).

<sup>165</sup> UN Secretary-General (2017, para. 32, also 2016, para. 20).

<sup>166</sup> E.g. UN Secretary-General (2001, para. 45, 2012, para. 15).

### 5.2.5 Ill-designed sanctions

Even rarer than the hate media sub-discourse is that regarding the collateral damage caused by *ill-designed sanctions*. The once-discussed phenomenon is perceived to cause shortage and poverty. The primary victims of ill-designed sanctions regimes are the civilians as the Secretary-General emphasizes. There is also an emphasis on gender, as women and children are believed to suffer the most when they are deprived of humanitarian aid.<sup>167</sup> Also the UN humanitarian operations whom the sanctions prevent from distributing aid bear a part of the brunt of sanctions.<sup>168</sup> In the 1999 POC report and four subsequent reports,<sup>169</sup> the discourse on sanctions shifts to the potential of “less blunt” targeted sanctions in the protection of civilians while the problems of sanctions regimes are not revisited.<sup>170</sup> As with the hate media, the shift and omission in this sub-discourse is more likely to reflect selectivity, rather than the disappearance of this particular insecurity.

### 5.2.6 Lawlessness and dysfunctional justice and security sectors

All insecurities that arise from non-compliance with law, impunity, inability to hold perpetrators of violence accountable, and the problems in security and justice sectors are collected under the heading *lawlessness and dysfunctional justice and security sectors*. Thus, it is not the violations of law, such as combatants attacking civilians, that are the subject here, but the rule of law deficiencies and dysfunctional justice and security systems. This insecurity is a constant theme in the reports and indeed the Secretary-General named “enhancing compliance by parties to conflict with international law, in particular in the conduct of hostilities”, “enhancing compliance with the law by non-State armed groups” and “enhancing accountability for violations of the law” as core challenges

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<sup>167</sup> UN Secretary-General (1999e, para. 25).

<sup>168</sup> Ibid., paras. 25–26.

<sup>169</sup> A word search query of the Word ‘sanction’ and stemmed words showed references in eight reports, but three of them (2001, 2002, 2010) were not relevant as the references either did not discuss sanctions regimes or merely quoted earlier reports. The reports of 1999, 2004, 2005, 2007 and 2012 all viewed targeted sanctions in benevolent rather than critical light and, after the 1999 report, mentioned the subject only in passing, see UN Secretary-General (1999e, para. 54, 2004, para. 42, 2005b, para. 32, 2007, p. 18, 2012, para. 22).

<sup>170</sup> The targeted sanctions include for example “the freezing of financial assets of regime members or elites who support them; suspension of credits and grant aid; denial and limitation of access to overseas financial markets; trade embargoes on arms and luxury goods; flight bans; political sanctions such as diplomatic isolation and withdrawal of accreditation; denial of overseas travel, visas and educational opportunities to regime members and their families” and the benefits they are supposed to yield include “minimizing humanitarian costs, the disruption of non-military trade, the likelihood of a black market emerging, additional humanitarian aid requirements and a negative impact on social infrastructures” (UN Secretary-General, 1999e, para. 54n11).

of civilian protection in his in the 2009 report.<sup>171</sup> In 2017, 2018 and 2019, the same issues continued to concern the Secretary-General and as a result “respect for international humanitarian law and international human rights law” as well as the promotion of good practices among parties to conflict were named as “protection priorities.”<sup>172</sup> Like displacement, lawlessness and dysfunctional justice and security sectors have become institutionalized in the UN POC discourse.

In the POC reports, matters of law and its implementation, or lack thereof, comprise a variegated source of insecurities to civilians, peacekeepers and humanitarians alike and thus for international peace and security more broadly. Those not participating in a conflict – civilians, peacekeepers and humanitarians – are all put in harm’s way first of all by the erosion of the distinction between civilians and combatants, which results from the asymmetric nature of contemporary armed conflict, indiscriminate weapons, and infiltration of civilian populations by armed elements and terrorists.<sup>173</sup> Secretary-General’s logic here is that failure to observe the principle of distinction constitutes a violation of IHL and that widespread violations of these principles undermine the credibility of IHL. It would thus appear that the damage to the credibility of law is the collateral damage of violence against civilians.

However, as the Secretary-General underlines, if frequent and left unaddressed, impunity and inability (or unwillingness) to hold perpetrators of violence accountable may also ease the return of violence.<sup>174</sup> This is because “institutions for security, law and order are frequently the first to weaken or collapse in contemporary civil conflicts, thus creating a vacuum for human rights protection.”<sup>175</sup> Indeed, “[a]nything less [than addressing impunity and accountability] promotes a culture of impunity within which violations flourish.”<sup>176</sup> Impunity and inability to hold perpetrators of violence accountable are thus not a mere by-product of violence against civilians. Rather, they comprise a vicious cycle

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<sup>171</sup> UN Secretary-General (2009b, para. 5).

<sup>172</sup> UN Secretary-General (2017, para. 5, 2018, paras. 32–33, 2019, paras. 51–62).

<sup>173</sup> The consequences of asymmetric conflicts are noted repeatedly in the POC reports, see UN Secretary-General (2007, para. 7, 2009b, para. 24, 2010, para. 8). Violence against peacekeepers and humanitarians was discussed above in relation to obstruction and denial of protection, while infiltration by armed elements and terrorists was discussed above in relation to displacement. Indiscriminate weapons and terrorism will be discussed below.

<sup>174</sup> UN Secretary-General (2001, paras. 10–11, 2004, para. 55, 2007, para. 47, 2009b, paras. 61–62, 2010, para. 82, 2013, para. 60, 2016, para. 18).

<sup>175</sup> UN Secretary-General (2002, para. 21).

<sup>176</sup> UN Secretary-General (2015b, para. 7, also paras. 4, 28).

in which violence breeds disregard toward the law and the latter facilitates the former. And it is this cycle that elevates matters of impunity, inability to hold perpetrators of violence accountable and dysfunctional justice systems onto the POC agenda.

### **5.2.7 Socio-economic disruption**

The seventh source of insecurity, *socio-economic disruption*, refers not to the direct losses caused by conflict, such as loss of life and destruction of property, but to the more abstract and indirect consequences of violence that add to the precarious situation of civilians affected by conflict. In addition to direct violence against civilians, especially the above-explored commercial exploitation and displacement are closely related to socio-economic disruption in the UN POC discourse.

In Secretary-General's reports, displacement, for example, often results from the destruction of housing and disputes over land and real property. Therefore, considering these issues is "vital to political stability, economic security, the protection of human rights and the establishment and strengthening of the rule of law" and therefore also "inextricably linked to the achievement and consolidation of lasting peace and the prevention of future violence."<sup>177</sup> More specifically, the disputes here refer to a myriad of problems, such as "forced evictions; property transactions made under duress; illegal destruction or appropriation and occupation of abandoned property; the illegal confiscation of land; discriminatory application of abandonment laws; and the loss or deliberate destruction of documentary evidence of ownership" as well as gender-biased inheritance and property laws that discriminate against women.<sup>178</sup> Insecurities arise here thus not just from, say, the lack of housing but from dysfunctional public institutions that prolong displacement and other related social problems.

More abstract insecurity, the POC reports notice, is the "breakdown of the social fabric" and "social support structures" caused by armed conflict. Social disruption has numerous consequences according to Secretary-General: conflicts induce an overall transformation of roles of family members; they increase the workload of mothers at home and hinder their ability to sustain their families; and they increase the risk of gender-based violence

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<sup>177</sup> Quotes come from two POC reports (UN Secretary-General, 2002, para. 49, and 2007, para. 52), respectively, but similar train of thought is present elsewhere too (UN Secretary-General, 2004, para. 54, 2010, para. 14).

<sup>178</sup> UN Secretary-General (2007, para. 54).

thus victimizing girls and women even further and increasing the spread of sexually transmitted diseases that come not only with physical and mental damage but also with social stigmas.<sup>179</sup> Instead of material losses, the unwinding of social fabric burdens and threatens civilians' capacity to cope in dire situations.

Finally, the two latest reports introduce new insecurities: environmental devastation and food insecurity. The former insecurity dynamic appears only in the 2019 report where the Secretary-General takes concern with the destruction of urban buildings and infrastructure, the consequent contamination of air, soil and groundwater, their possible impact on individuals' health and lives more generally long after the conflict itself has ended.<sup>180</sup> Conflict driven food insecurity, on the other hand, results primarily from the use of starvation as a tactic of armed conflict. The previously examined insecurity of obstruction of humanitarian assistance is one concrete example of how this insecurity works. The above-mentioned contamination of soil and groundwater is another. The subject had appeared in several previous reports, but was mentioned only briefly, whereas the 2019 report names it a "global problem" and dedicates a section for the issue, thus indicating increasing concern for the problem.<sup>181</sup>

These four dynamics – disputes over housing, land and property; breakdown of social fabric; environmental devastation; and food insecurity – add up to an insecurity whose primary referent object is the civilian, but it implicates a wider net of social networks and public institutions that have to be reformed in order to mitigate the problem. It is also strongly linked to the enhancement of respect for the laws of armed conflict. Secretary-General's analysis thus draws a wide variety of societal problems into the civilian protection agenda.

### **5.2.8 (Counter-)Terrorism**

*(Counter-)Terrorism*, the eighth source of insecurity, appears for the first time in the Secretary-General's 2002 report, the first to be published after the 11 September 2001 terrorist attacks against the United States. The "new threat" of terrorism, says Secretary-General, threatens civilians first and foremost because terrorists, like non-state underdogs

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<sup>179</sup> UN Secretary-General (1999e, para. 18, 2004, paras. 4, 26, 2005b, para. 25, 2007, para. 44).

<sup>180</sup> UN Secretary-General (2019, para. 50).

<sup>181</sup> UN Secretary-General (2018, para. 5, 2019, paras. 47–48). The use of starvation as a combat tactic is mentioned in the 2001, 2007, 2016, 2017, 2018 and 2019 reports.

in asymmetric armed conflicts, target soft targets such as civilians and hide among them, thus placing civilian populations and for example humanitarian workers in the line of fire of counter-terrorism measures.<sup>182</sup> In short, civilians suffer on the one hand from being targeted by terrorists and, on the other, from the erosion of the distinction between combatants and civilians, as discussed previously.

Interestingly however, terrorists themselves are seen as a threat only in the 2002 report, whereas later reports – with only one brief exception<sup>183</sup> – frame *counterterrorism* as a threat to protection of civilians. Indeed, violent and indiscriminate counter-terrorism measures are seen to put civilians in harm's way, disregard their human rights, and to encourage violent extremism.<sup>184</sup> Moreover, counter-terrorism policies and legislation, when pursued too rigorously, may hamper the delivery of humanitarian aid by effectively criminalizing it and thereby “erode the humanitarian principles of humanity, neutrality and impartiality.”<sup>185</sup> Like the lawlessness sub-discourse, the post-2002 security framing of counterterrorism redefines observance of law as a matter of civilian protection thereby drawing it within the remits of the UN POC agenda.

### **5.2.9 Weapons technologies and proliferation**

Finally, the sub-discourse on the insecurity of *weapons technologies and proliferation* is a recurring theme that concerns the Secretary-General in every report, save for three exceptions. The greatest insecurity in this sub-discourse stems from the direct harm that small arms and light weapons, landmines, cluster munitions and their proliferation cause for civilians by accident or intention.<sup>186</sup> More recently, the direct damage caused by armed unmanned aerial vehicles (hereafter drones) has come to the Secretary-General's attention.<sup>187</sup> The danger is, in short, that weapons, mines and the drones carrying them maim civilians and therefore the civilian is the primary referent object in every report where the Secretary-General discusses this insecurity. The sub-discourse remains unchanged throughout the reports in this regard.

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<sup>182</sup> UN Secretary-General (2002, paras. 12, 61, 63).

<sup>183</sup> UN Secretary-General (2005b, para. 10).

<sup>184</sup> UN Secretary-General. (2004, para. 57, 2007, para. 8, 2018, paras. 22, 47, 2019, para. 41).

<sup>185</sup> UN Secretary-General (2013b, para. 40, also 2005b, para. 10, and 2012, para. 46).

<sup>186</sup> E.g. UN Secretary-General (1999e, paras. 23-24,55, 2004, para. 36, 2007, para. 60, 2009b, para. 36, 2015b, para. 31, 2016, para. 24, 2017, para. 24).

<sup>187</sup> UN Secretary-General (2010, para. 17, 2012, para. 17, 2013, para. 26). Curiously, the subject of drones is not discussed after 2013.

Yet, as with most of the insecurities so far, the weapons technologies sub-discourse is more nuanced than first meets the eye. Weapons technologies and their (cross-border) proliferation may, first of all, prolong and regionalize conflicts;<sup>188</sup> secondly, they contribute to the breakdown of society by for example destroying housing and basic infrastructure;<sup>189</sup> thirdly, they have vast socio-economic impacts for they hamper access to healthcare, prevent the use of land, destroy harvests and other sources of income and thereby undermine peoples' livelihood, halt the education of children and disturb the practice of religion;<sup>190</sup> fourthly, arms, munitions and drones can also be indiscriminate and therefore contribute to the erosion of the principle of distinction and general lawlessness;<sup>191</sup> and finally, Secretary-General opines that drones in particular increase the asymmetry of conflicts, which, consequently, increases the risk of violence against civilians.<sup>192</sup> Overall the sub-discourse maintains that weapons and their proliferation do not merely pose an immediate threat to the safety and well-being of civilians, but also to wider human societies, their internal stability as well as the stability between domestic societies. The issue is therefore permanently drawn on the international peace and security agenda.

#### **5.2.10 Summary of insecurity discourses**

This section has examined the UN's understanding of the phenomenon of violence against civilians in the UN POC discourse as articulated in Secretary-General's reports. The reports were read primarily with the view to identifying referent object(s) and insecurities of the UN POC discourse as well as the possible qualitative shifts in these categories. To begin, UN POC discourse is unsurprisingly premised on the notion that civilians in particular are victimized in contemporary armed conflicts. Save for the occasional mention of using individuals as facilitators for peace programmes, the role of the individual is that of a victim.

While the discourse generally rests on this basic assumption, all the sub-discourses included other referent objects too. This is illustrated in Table 5.2 below. In addition to civilians, the referent objects include for example humanitarians and peacekeepers. Other

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<sup>188</sup> UN Secretary-General (1999e, para. 55, 2004, para. 36, 2010, para. 18, 2017, para. 23).

<sup>189</sup> UN Secretary-General (1999e, para. 55, 2009b, para. 36, 2010, para. 49, 2015b, para. 33, 2017, para. 18, 2018, para. 42, 2019, para. 31).

<sup>190</sup> UN Secretary-General (1999e, para. 24, 2007, paras. 60–63, 2012, para. 38, 2013, para. 27, 2015b, paras. 33–34, 2016, para. 24).

<sup>191</sup> UN Secretary-General (2010, paras. 17, 48, 2012, para. 17, 2013, para. 26, 2015b, paras. 31–32, 35).

<sup>192</sup> UN Secretary-General (2013, para. 28).



referent objects include peace and stability (national, regional or international), justice and security systems (again, national or international), housing and general infrastructure, social fabric and social support structures and so on. The conclusion to be drawn from this section is that there is no one referent object whose survival is threatened, but numerous referent objects who face insecurities of different gravity and type.

**Table 5.2** Insecurities and referent objects in the UN POC discourse

<b>Insecurity sub-discourse</b>	<b>Source of insecurity</b>	<b>Referent objects</b>
Commercial exploitation	Prolonged conflict, loss of property, resource curse, enslavement/human trafficking	Regional stability, civilians
Denial and obstruction of aid and protection	Bureaucratic obstruction, forced limitation, harassment, violence	Civilians, peacekeepers and aid workers, UN's organizational integrity, "profitability" of aid
Displacement	Loss of shelter, exposure to inhumane conditions, undermined legal protection, armed elements, militarization of refugee camps/border zones, prolonged conflict, altered "ethnic texture"	Civilians, national/regional stability, "ethnic balances"
Hate media	Incitement of violence	Civilians, peace/stability
Ill-designed sanctions	Shortage, poverty, limitations to humanitarian aid	Civilians, aid workers
Lawlessness and dysfunctional justice and security sectors	Disregard for law, erosion of distinction principle, prolonged conflict, impunity,	Civilians, peacekeepers, aid workers, rule of law
Socio-economic disruption	Destruction of housing, housing/land/property rights issues, unravelling social fabric, collapsing social support structures, health issues, stigmatization	Civilians, societal stability and cohesion
(Counter-)Terrorism	Terrorist attacks, indiscriminate counter-terrorist measures, counter-terrorism legislation	Civilians; principles of humanity, neutrality and impartiality,
Weapons technologies & proliferation	Accidents, wilful attacks, proliferation prolongs conflicts, destruction of housing/infrastructure, denial of healthcare/livelihood/communal life, indiscriminate weapons	Civilians, infrastructure, livelihood, distinction principle, social cohesion, societal stability

The insecurities are not only variegated in terms of threats and referent objects, however. Some of the security framings have changed over time, too. Displacement, firstly, was seen as a source of instability in itself in the reports before, but not after 2004. The framing effectively turned displacement and the displaced into security problems. Secondly, hatred incited by media was conceived as an issue to be addressed, but after 2001, the media became the victim to be defended. The insecurity frame disappears. Thirdly comes terrorism, which in 2002 only was defined as a threat, but in subsequent reports it is counterterrorism that hinders civilian protection as it may itself be violent and indiscriminate and undermine aid to civilians. Finally, the last two reports examined

above form 2018 and 2019 saw the emergence of environmental devastation and food insecurity on the agenda. It is too early to say how constant the themes are, but both imply problems of broad, systemic nature.

Considering these shifts, it might seem that the UN POC discourse has become narrower over time with only few constant themes. Yet, the disappearance and change of certain sub-discourses from the POC reports does not necessarily mean that they have been completely discarded from UN's civilian protection agenda. Indeed, some of the sub-discourses and their security frames that have disappeared from Secretary-General's reports are to varying degrees present in the seven POC aide-mémoires<sup>193</sup> that have been prepared for the Security Council to consult when taking action to protect civilians. Of the sub-discourses that have changed in the Secretary-General's reports, the security framing of the media in the aide-mémoires contained both perspectives and underlined the need to protect journalists as well as to root out incitement of hatred.<sup>194</sup>

Terrorism, on the other hand, is barely discussed except when it is condemned.<sup>195</sup> Counterterrorism is not discussed at all, and it is only mentioned in selections of agreed language that are drawn from the POC-related Security Council resolutions.<sup>196</sup> The framing of displacement in the aide-mémoires, finally, is more complex than that of media and terrorism. The somewhat crude concern over "delicate ethnic balances" being disturbed is completely absent from the aide-mémoires. In the aide-mémoires of 2002 and 2003, there is a recommendation for developing a regional approach for managing mass displacement, echoing the previously noted concerns over regional stability, but the specific notion of "ethnic balances" is absent.<sup>197</sup>

The rest of the aide-mémoires rely on similar security framings as the 2018 document, which expresses concern over for example armed elements hiding among the displaced

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<sup>193</sup> UN Security Council (2018). The first aide-mémoire was published in 2002 and the rest followed in 2003, 2009, 2010, 2014, 2015 and 2018, during which time the document has bloated from seven pages to almost 250 pages. The aide-mémoires are prepared by the Security Council in collaboration with the Secretariat and other UN agencies.

<sup>194</sup> UN Security Council (2002, p. 6, 2003, p. 11, 2009, pp. 12–13, 2010, p. 12, 2014, p. 15, 2015, pp. 18–19, 2018, pp. 23–24).

<sup>195</sup> *Ibid.*, pp. 4, 16.

<sup>196</sup> On a side note, the notion of "agreed language" is interesting because it suggests the institutionalization of civilian protection discourse at the Security Council, which might, consequently, limit how the issue is conceived and therefore also handled.

<sup>197</sup> UN Security Council (2002, p. 3, 2003, p. 5).

and flow of arms, and then proposes “the reestablishment of security conditions conducive to voluntary, safe, dignified and sustainable returns, or the realization of other durable solutions, including through police patrols in areas of return, local integration or resettlement”. The aide-mémoire emphasizes that the establishment of secure conditions is the responsibility of states, but that peace operations may be mandated to assist to do so.<sup>198</sup> Thus, for example displacement is still seen as a source of insecurity, but the articulation is subtler than before: on the one hand, the references to “dignified and sustainable returns” designate the displaced as victims and recipients of protection while on the other hand, the proposal for police patrols makes them targets of security measures.

### **5.3 Summary & discussion: the politics of the UN POC discourse**

This chapter began with the examination of the nature of armed conflict, as characterized by Secretary-General in his Protection of Civilians reports. The problematization of violence against civilians rests on the premise that armed conflict has changed, which consequently results in the increasing victimization of civilians. Another key change is that armed conflicts no longer occur between states but are instead asymmetrical. The underdogs of asymmetric conflicts, the reports generally posit, tend to rely on terror tactics that for example displace civilians. Such tactics often put civilians in sights of counter-terrorism measures, which themselves can be violent and indiscriminate. Civilians are thus victims and collateral damage of the “new wars”, where war, organized crime and large-scale violence against civilians increasingly blend into one another (Kaldor, 1999, p. 2).

The reports connect these new wars with a myriad of insecurities that civilians face. The previous section divided the insecurities into nine categories, each of which had more than one referent object. Moreover, the insecurities threaten referent objects at different levels: the civilian, as noted, is the primary referent object, but so are individual peacekeepers and aid workers. Social cohesion as well as national and regional stability are also threatened by the new wars. Of symbolic value are referent objects such as the integrity of UN and the principles of humanity, neutrality and impartiality. Finally, the insecurities examined above were found to be inter-related; for instance, the reports

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<sup>198</sup> The quote is from UN Security Council (2018, p. 11), but the point presented here is developed throughout pages 9–11.

connect displacement with commercial exploitation, and proliferation of weapons is seen to contribute to socio-economic disruption.

Herein lies one central finding of section 5.2, which also serves as a premise for the comprehensive response laid out in the POC policy. *The problematization of violence against civilians in the UN POC discourse is premised on the notion of interdependent and mutually reinforcing insecurities that are difficult to distinguish from one another. There is no distinct enemy against which to wage war, but a discursive web of insecurities whose individual components are of varying gravity.* Among critical security scholars, this phenomenon is known as the “security continuum” (Bigo, 1994, p. 164), which securitizes by associating insecurities to non-securities. For instance, the non-menacing migration, much like displacement in this chapter, has in Bigo’s view become a security issue by virtue of its association with such menaces as organized crime and terrorism. Security continuums work by making the established boundaries between security and non-security increasingly porous thereby allowing security logics and practices to travel into domains where they were previously absent (Huysmans, 2014, p. 83). This way seemingly non-security related matters such as housing and dysfunctional bureaucracy become matters of international peace and security.

Security continuums are facilitated by a shift in security discourse toward risk and “reflexive security” (Rasmussen, 2001; see also section 2.2.5 above). The reflexive approach to security emphasizes management, the primacy of future scenarios, and it is premised on the certainty of boomerang effects of backfiring policies. The UN POC discourse exhibits these characteristics: To exemplify the last, the UN has come to see the policy of impartiality as doomed to backfire, because if the UN remains agnostic about violence against civilians for the sake of impartiality, violence against civilians will fester and disintegrate societies. Consequently, the UN has adopted an approach to violence against civilians that recognizes both structural violence in the Galtungian sense (1969) as well as direct physical violence. This, finally, elevates all the seemingly non-security related matters on the international peace and security agenda. The risk-driven logic of UN POC discourse securitizes by drawing international peace and security managers’ attention to a whole host of issues that together *might* jeopardize peace and security.

Another important feature of the UN POC discourse is the division of labour it envisions. In the reports, protection involves everyone from local individuals, associations to both

national and international NGO, states and finally to international organizations. The distribution of protective responsibilities follows the well-established argument according to which states are the primary protectors of civilians within their territory. If the state proves to be unable or unwilling to protect civilians, international intervention may become an option. Intervention may take the form of assistance or more coercive peace operation or even a military operation. This, as noted, is largely in line with the logic that has become entrenched in the UN along with the R2P concept.

Like R2P, Protection of Civilians, as defined by the UN is also a rationale for the UN's assumption of executive authority. And while attention is often paid to the forceful measures contained in these instruments, less coercive measures entail the possibility of intervention by other means to rectify the behaviour of the irresponsible state. These means, such as development assistance often comes with monitoring and regulation by third parties, such as the UN Development Programme, peace operations or international financial institutions (ibid., pp. 90–103; Chandler, 2010, pp. 55–59). The UN POC discourse echoes this same logic, as does the third tier of the POC policy, which is essentially a blueprint for state-building.

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It has been established that R2P and UN POC share similar language as well as the logic concerning the division of responsibility. Moreover, they both entered the peace and security discourse almost simultaneously. Differences between the two concepts obviously remain (see Breakey, 2012b; P. D. Williams, 2016), and it is impossible to say to what extent their convergence was a coincidence, but nevertheless, the two concepts overlap. One might thus say that the UN POC discourse is *intertextual* as it shares “presuppositions, logical implications or entailments, and implicatures” with other peace and security discourses (see Fairclough, 2003, p. 40). The rest of the present discussion examines the intertextuality of UN POC with a particular focus on the shared security logics between the discourses as well as the politics they entail. In addition to R2P, the relevant discourses include *the Agenda discourse*, which expanded notably after the Cold War, and *the human security discourse*, a product of the post-Cold War development enterprise.

It is commonplace to distinguish between Cold War and post-Cold War approaches to international peace and security. The first indications of a shift from one era to the next emerged in the security discourse already in mid-1980s, when Secretary-General and a group of governmental experts undertook a study on the concepts of security at the request of the General Assembly. The study's conclusions begin by linking security with national security but ended by noting how national and international security are becoming increasingly interrelated. The conclusions note how states' internal security is hindered by various insecurities ranging from "structural economic crises" to "international tensions and armed conflicts in different regions of the world" and even to "continuation of colonialism and racism".<sup>199</sup> The study thus takes note of how interdependence driven by globalisation erodes the distinction between domestic and international security. Consequently, national security is no longer a discrete domain, but inseparably attached to international security and all the insecurities that threaten it.

The conclusion was further confirmed seven years later on 31 January 1992, when the then President of Security Council declared that absence of war no longer means peace, for there are also other sources of instability that threaten it.<sup>200</sup> In the months to come and in response to Council President, Secretary-General Boutros-Ghali wrote *An Agenda for Peace*, the seminal peacekeeping document that would change how the UN thinks about peacekeeping. The *Agenda* echoed Council President's reasoning by arguing that "the efforts of the Organisation to build peace, stability and security must encompass matters beyond military threats."<sup>201</sup> To this end, the *Agenda* lays out plans for preventing conflicts before breaking out by identifying situations that could lead into conflict as well as the necessary interventions for rebuilding institutions after conflicts.<sup>202</sup> It also noted that while states remain at the centre of international fora, "[t]he time of absolute and exclusive sovereignty, however, has passed."<sup>203</sup>

In 1994 and 1996, Secretary-General published two further agendas – *An Agenda for Development* and *An Agenda for Democratization* – along with supporting reports on democratization, which elaborated on this new understanding of peace and security. The documents confirm the previous remark according to which absence of war indeed does

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<sup>199</sup> UN Secretary-General (1985, paras. 206–213).

<sup>200</sup> UN Security Council (1992a, p. 3).

<sup>201</sup> UN Secretary-General (1992a, paras. 12–14).

<sup>202</sup> *Ibid.*, para. 15.

<sup>203</sup> *Ibid.*, para. 17.

not mean peace. To the contrary, the documents link peace and security with development, democratization, human rights, good governance and the rule of law.<sup>204</sup> Peace is thus in this discourse the prerequisite of development and development in turn is key for sustaining peace. Democratization in turn fosters peace and human rights, while market economy, besides being the “engine of progress”, asserts pressure for democratization and human rights.<sup>205</sup> Matters previously considered domestic had now turned international. They were also drawn into the realm of peace and security.

The second discourse, human security, is another step away from a state-centric security conception. Human security is about development of living conditions and in its most condensed form, the concept refers to “freedom from fear and freedom from want.”<sup>206</sup> If security by definition means the absence of threats, then the human security concept entails a broad range of threats to be absented,<sup>207</sup> which in turn allows the security discourse to absorb yet more issues that previously did not belong to the realm of security. Human security has thus been instrumental in the merging of security and development, as a result of which “the promotion of development has become synonymous with the pursuit of security” while “security has become a prerequisite for sustainable development” (Duffield, 2014, p. 37).

Exactly the same idea can be found in UN documents on peace and security and security sector reform.<sup>208</sup> The point is also underlined by the fact that UN Development Programme views development through a conflict prevention lens, which is to say that development, even if not necessarily a matter of Chapter VII of the Charter, is a matter of security for the UN.<sup>209</sup> By way of connecting development with security, human security discourse further entrenched the security logic of R2P, UN POC and the Agenda

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<sup>204</sup> UN Secretary-General (1994, paras. 15, 18, 118–135, 1995b, para. 129, and section IV, 1996b, paras. 16–19, 64, 1996c, paras. 9, 44, 47, 1996a, paras. 16–19, 21, 45).

<sup>205</sup> UN Secretary-General (1994, p. 9).

<sup>206</sup> UN Development Programme (1994, p. 24).

<sup>207</sup> In its original formulation, human security comprises of seven components: economic security (basic income), food security (readily available and accessible), health security (access to health care), environmental security (a healthy physical environment), personal security (freedom from physical violence, self-inflicted or otherwise), community security (freedom from intra-/inter-communal oppression) and political security (basic human rights) (ibid., pp. 24–33). If to name security is to name insecurity, then human security names numerous insecurities, as anything that might hinder these components is a potential insecurity. If compared to the insecurities listed in Secretary-General’s POC reports, similarities are evident.

<sup>208</sup> E.g. UN Secretary-General (2005a, para. 17, 2008).

<sup>209</sup> See the UN Development Programme’s webpage (2019) on development and conflict prevention.

discourse. It bridges the domestic realm with that of the international, thereby also bringing matters of domestic security to the international peace and security agenda.

Thus, we have here four discourses of international peace and security – UN POC, R2P, human security and Agenda discourse – that are not identical, but nonetheless operate under similar security logics. The most prominent intertextual feature between the discourses is the broad conception of security that departs from the state-centric notion of security of previous decades. Each of the discourses builds upon the idea that matters ranging from underdevelopment and poor governance to fear, want and violence against civilians are matters of security. Politically, the discourses consolidate the discursive merging of domestic and international security, which is to say that while the insecurities themselves may remain the same, the perspective from which they are examined, and therefore the responses to them, do change. The merging of internal and external security after the Cold War was by no means a phenomenon confined to the offices of the UN; it was common among other security actors as well (see e.g. Bigo, 2000, 2001, 2006a).

Each of the discourses encourage, either explicitly or implicitly, more interventionist approaches to foster peace and security: UN POC encourages intervention in numerous ways to protect civilians. R2P is not a policy programme, but in the current formulation its second and third pillars provide that in case of the atrocity crimes, international assistance or forceful intervention may be considered, after due exhaustion of peaceful means and blessing of the Security Council.<sup>210</sup> In the other two discourses, the invitation to intervene is more implicit: The Agenda discourse on peace and security underlies the other three discourses, as its renegotiation immediately after the Cold War paved way for the later security discourses. The idea was then continued by Secretary-General in his three *Agendas*, which all advocate interventionist programmes to reform underachieving states in rule of law matters for example. Human security, finally, is not a policy programme per se, but a comprehensive framework to be used in planning development programmes envisioned by the *Agendas*. Each discourse builds on the comprehensive approach to security.

To bring the chapter to a close, the problematization of violence against civilians in the UN POC discourse is premised on the new wars thesis, the conception of violence against

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<sup>210</sup> See UN General Assembly (2005, paras. 138–139) and UN Secretary-General (2009a).



civilians from the perspective of risks and security continuums, and the necessity of comprehensive and “all-inclusive” management of the phenomenon. Consequently, violence against civilians is problematized as a problem of peace and security that merits international response. The problematization did not emerge out of thin air, however, but is interrelated to several other security discourses that emerged in the 1990s. The discourses share the same broad conception of security and the invitation to intervention.

As noted previously, Anne Orford (2011, pp. 103–108) argues that the R2P discourse is a move from deeds to words in the sense that it has rationalized the international executive authority the UN had assumed during the decades past. Given the similar security logics in the four discourses that the intertextual analysis revealed, this thesis posits, contra Orford, that it is not R2P alone that rationalizes the UN’s assumption of executive authority. Rather, *this premise is integral to several peace and security discourses*. Indeed, the discourses examined here emerged roughly the same time inside and outside the UN and they all posit that to guarantee international peace and security, it might sometimes be necessary to intervene in states’ domestic affairs. And they all envision more or less explicitly a preparedness for international response to the insecurities. Though this is not to say that the discourses *caused* the expansion of peace and security agenda and practices. To the contrary, the discourses emerged (sometimes long) after the fact. Thus, if anything, the causal relationship flows to the opposite direction, from practices to deeds, as Orford put it.

The political significance of intertwining domestic and international security, the expansion of the concept of security, and the endorsement of an interventionist approach to the management of peace and security is that they undermine article 2.7 of the UN Charter, which prohibits the UN from interfering in matters falling “essentially within the domestic jurisdiction of any state”. In other words, while the rules of world order have not been re-negotiated de jure, UN POC and other peace and security discourses have de facto created an opening for the relaxation and creative interpretation of the phrase “domestic jurisdiction”. This, consequently, bolsters the UN’s and especially Security Council’s discretionary powers at the expense of integrity and autonomy of sovereign states.

## 6 Conclusion: the politics of protecting civilians

So, how has violence against civilians has become a matter of international peace and security for the United Nations and with what political effects? The conundrum is interesting because, on the one hand, violence against civilians and their protection are among the most controversial and difficult issues on the peacekeeping agenda. On the other hand, civilian protection has become a key component of that very same agenda since 1999. In 2015, the UN approach to civilian protection in peacekeeping was crystalized in the Protection of Civilians policy statement and subsequent guidelines. The POC policy envisions a three-tiered and four-phased protection programme with a view to upholding international law. The tiers progress from dialogue to the creation of a protective environment. The policy promises comprehensive protection to all the civilians within the protector's capabilities.

The present author noted, however, that there are discrepancies between the Protection of Civilians of international humanitarian law and the UN's version of the Protection of Civilians. Their vision and scope of protection as well as the temporal limits of protection differ greatly. It turned out, moreover, that the UN POC broadens the discretionary powers of the United Nations Security Council. Yet, scholars researching the concept of the Protection of Civilians, while fully aware of its differing conceptions, continue to take the rationale of POC as a given. It is a concept designed to intervene in situations where civilians find themselves in danger, they say. This thesis posited that taking the rationale as a given obscures the political nature of Protection of Civilians. Therefore, in order *not* to take the protection rationale of UN POC as a given, the present thesis introduced the concept of *dispositif* – an ensemble of protection discourses and practices, knowledge and techniques – with a view to examining the workings of the UN POC. More specifically, the purpose of this move was to facilitate an analysis of how the UN POC construes the problem of violence against civilians, and how it approaches it. What are its techniques and rationales?

To further facilitate the probing of this *dispositif*, the thesis made another move and adopted a securitization framework. The framework was modelled on Jef Huysmans' reading of the theory. The novelty of this specific approach is that it widens analytic gaze of the theory beyond speech acts into the discourses and practices of government and their underlying rationales. This allows the analyst to understand how insecurity emanates not

just from securitization spectacles but also from the security framings of policy programmes, for example. The purpose of these conceptual moves was to create a framework for producing an analytical narrative that makes sense of how violence against civilians has become a matter of international peace and security.

Next, I shall present this analytical narrative by using the key concepts of the thesis in order of importance: problematizations, securitization, and protection.

As their headings suggest, Chapters 4 and 5 offer two takes on the problematization of violence against civilians – one quasi-historical, the other discursive. The purpose of this design was to underscore how the UN POC discourse and the POC policy statement emerged to rationalize the nascent practices of protection that the UN had developed in the course of its past peace operations. Chapter 4 identified three major problematizations that have shaped the UN approach to the protection of civilians. The problematizations of violence against civilians, adequate force, and disorder started to emerge from the UN's field experiences already in the 1960s.

Violence against civilians turned into a problem for the UN and its peacekeepers as early as 1960. The problem was first conceived in terms of moral indignation and the solutions reflected this: peacekeepers took measures to halt imminent and ongoing violence. Another feature of this problematization was the nascent concern for proper order; violence against civilians and for example the destruction of civilian property and infrastructure did not belong to orderly society. Ultimately, however, civilian protection in this embryonic form did not go further than the inter-positional tactics and safe zones that were designed to provide immediate relief. This began to change during the 1980s, however, as the Security Council became increasingly concerned about the violations of international humanitarian law. At this point, the problematization of violence against civilians became more structural in orientation: the protection of civilians required that respect for law is ensured. In the early 1990s, this development resulted in the decision to declare humanitarian crises as threats to international peace and security. Since 1999, this approach has been visible in numerous peacekeeping mandates that authorize the protection of civilians under Chapter VII of the UN Charter. The problematization internationalized violence against civilians.

The problematization of adequate force began simultaneously with the problematization of violence against civilians. In fact, the two are inseparable as the early peacekeepers had to work their way around the strict limitations concerning the use of force. These limitations led the UN to reconsider its approach to force through the concept of self-defence. More specifically, peace operations throughout the 1960s and 1970s redefined self-defence so that it became to include the use of force for the purpose of defending the mission mandate. The redefinition is more permissible than the strict limitation of self-defence to the defence of one's person. It considerably broadens the discretion that peacekeepers have in executing their tasks. The redefinition of self-defence also paved the way for militarized innovations in peace operations. The permissible approach to force allowed the UN to establish more forceful operations under the heading "stabilization mission", deploy contingents with offensive capacities, and to introduce armed police units to the UN police forces. The innovations stretch the permissible approach to force even further and consolidate its underlying logic that implies the necessity of force.

Like the previous two, the problematization of disorder was present in the UN's work from the 1960s onward. The peace operations in the recently decolonized world were established to bring order where there conceivably was none. This led the early operations in the Congo and New West Guinea to undertake law enforcement as well as executive tasks. The UN had entered the domain of policing. But the policing logic of peace operations retreated after the 1960s and consequently, policing was reduced to monitoring and mentoring the recipient state's authorities. This changed once again at the turn of the 1980s and 1990s when the UN deployed a string of peace operations with police components. The number of police officers increased, and the status of policing was institutionalized within the UN peacekeeping bureaucracy.

Consequently, the UN's interest in order re-emerged, and the police forces would once again be involved in the enforcement as well as the (re-)making of order. The desire for good order was visible in the concepts such as "democratic policing", "SMART policing" (Support for human rights, Monitoring, Advising, Reporting, and Training)) and "3Rs" (Reform, Restructuring, and Rebuilding), which all imply the need for good institutions if one is to have orderly society. The problematization of disorder thus resulted in the prominence of the police and policing in peace order and led the Organization to increasingly reform state institutions in the countries that hosted peace operations. This

development reached its zenith with the peace operations deployed to Kosovo and East Timor, which effectively became UN protectorates.

The thesis also found that the three problematizations are interdependent. At the root of this interdependency is the UN's concept of the Protection of Civilians; it has incorporated the militarization and policing into civilian protection. This is evidenced by the mission mandates that in the 2000s have predominantly relied on the permissible approach to the use of force. The same approach is present in the POC policy statements and guidelines. Moreover, the militarized innovations are also mandated to protect civilians. Policing, on the other hand, is manifest in the UN's approach to the protection of civilians in that it builds on the law enforcement as well as order-making aspects of policing. By incorporating the militarization and policing aspects of peacekeeping into civilian protection, the POC policy is thus a key component in the UN's rationalization of the practices of protection.

The UN POC discourse, too, has a specific way of problematizing violence against civilians. As noted, Chapter 4 focused on the historical trajectories that have shaped the UN's approach to the protection of civilians, whereas Chapter 5 turned to the UN POC discourse that rationalized the practices of protection that emerged from the years of peacekeeping practice. The problematization of violence against civilians inhering in the POC discourse relies on two points, one concerning the nature of contemporary armed conflicts and the other the nature of insecurities that the civilians face. The nature of contemporary armed conflict is crystalized in the "new wars" premise which holds that organized crime and large-scale violence against civilians increasingly blend into one another. Consequently, armed conflicts become increasingly complex. The insecurities of the POC discourse are equally complex. Besides direct, physical violence, the UN POC discourse posits, civilians are endangered by a myriad of interdependent insecurities. Furthermore, the civilian is not the only endangered referent object in the discourse. Instead, the discourse connects violence against civilians with numerous objects from states and regional stability to the principle of distinction codified in international humanitarian law. Violence against civilians, thus, is a phenomenon that sprawls into other walks of life thereby spreading insecurity.

This leads us to the second key concept of the thesis: securitization. How do the UN's Protection of Civilians discourse and practices securitize violence against civilians? What

is the security rationale in terms of which the discourse and practices frame the phenomenon of violence against civilians? The answer lies in the presumed complexity of violence against civilians, which introduces the logic of risk into the UN's security rationale. Indeed, the insecurities in the POC discourse are not conceived in terms of enmity but in terms of risk. Large-scale violence against civilians is not a matter of security simply because it threatens the lives of civilians, but because it has a tendency to sprawl into other domains of life and thereby place various other referent objects at risk.

This necessitates countermeasures. These countermeasures, which emerged largely during the decades preceding the adoption of the POC concept, function on the basis of risk logic. For example, as noted above, the policing logic of peace operations has led the UN to engage in state-building. In the context of civilian protection, therefore, the goal of state-building is to pre-empt violence against civilians by creating the kind of institutions that will not allow, let alone perpetrate, violence against civilians. The security rationale of the UN's Protection of Civilians discourse and practices is thus one of complexity and risk. This leads the Organization to adopt a comprehensive conception of Protection of Civilians that seeks to nullify the structural reasons for insecurity as well as prevent immediate threats to civilians. Consequently, the security rationale of the UN Protection of Civilians discourse and practices internationalize matters that previously belonged to the domestic realm where the UN was not allowed to intervene.

This is the utility of the securitization theory: it allows the analyst to take into account other modalities of securitization than the one that limits security to survival. By conceiving the securitization theory in terms of threat–urgency modality, rather than, say, survival, it is possible discern how insecurity operates in subtler ways than mere declarations of existential danger. This is not to say, of course, that the existential mode of securitization has lost its pertinence. Rather, the point is to emphasize that security may accumulate to the extent that it triggers security measures without ever reaching the level of existential danger.

Finally, to protection, the third key concept of which this thesis has tried to make sense. As the preceding paragraphs and indeed the preceding analyses in the previous chapters make clear, the protection programme envisioned by the United Nations relies on a range of measures to protect civilians. Peace operations have diplomatic, coercive and state-building tools at their disposal, while the broader assemblages of intervention may have

several international organizations and states working in tandem to create, maintain and restore protective environments. The organizing principle at the core of the UN Protection of Civilians is thus that of reasonable force. It enables the UN to attain compliance at the grass roots level as well as at the level of the state.

As is clear by now, the United Nations Protection of Civilians discourse and policy programme, on their part, expand the concept of international peace and security into the domestic realm. International and domestic security become indistinguishable. Consequently, the jurisdiction of the UN is also expanded without ever formally renegotiating the rules of the world order. Together the problematizations, practices of protection, the security rationale and the principle of reasonable force enable the UN to penetrate deep into the vital institutions of statehood and pursue the Organization's vision of good order. Herein lies the United Nations's politics of protecting civilians.

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I would now like to bring the thesis to a closure with an ethical note. In the broadest terms, this thesis is based on social constructivist ideas on how the world hangs together. From time to time, approaches like this are (mis)interpreted as undermining the value of truth with the assertion that our knowledge of the world is artificial. To assert for example that the depictions of violence contained in the Secretary-General's reports are mere figments of imagination would be truly distasteful. But this is not the point. The point of studying the securitization of violence against civilians is not to deny the reality of violence. Neither is it to assert that protection afforded by the United Nations is simply a cynical ploy to amass power. Instead, the point is to examine what words and wordings allow. This is a question with political implications. To bring this into light is, to paraphrase that French historian of systems of thought (1988, p. 155) one last time, to make facile gestures of protection that much more difficult.

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