

Muddling on through? Cosmopolitan peacekeeping and the protection of civilians

Curran, D.

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Muddling on through? Cosmopolitan peacekeeping and the protection of civilians

Abstract

This article analyses direct forms of the 'protection of civilians' (PoC) in UN peacekeeping, and how this links to aspirations outlined by cosmopolitan scholarship at the turn of the 20th century. Its main contention is that cosmopolitan conceptions of peacekeeping, which advocate more active forms of civilian protection, have faced significant challenges in the UN peacekeeping system. These challenges (internal and external) are a result of the state-based nature of the UN, and its peacekeeping practice. Therefore, the UN's flexibility to adopt ethical practices associated with protection of civilians can only be contained within confined boundaries.

The article takes as its starting point the aspirations of cosmopolitan scholarship before outlining policy development in UN peacekeeping concerning PoC. It then explores internal and external challenges faced in operationalizing PoC in UN peacekeeping practice before arguing that the UN may be at a stage where it is 'muddling through' in terms of PoC. The article contributes to debates about the role of peacekeeping in global politics, through seeking to understand the possible limits of cosmopolitanism within peacekeeping practice. Moreover, it offers a contemporary understanding of where the United Nations has developed protection of civilians in its deployments and what challenges remain.

Keywords:

Peacekeeping, Cosmopolitanism, United Nations, Protection of Civilians

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Muddling on through? Cosmopolitan peacekeeping and the protection of civilians

Introduction

A decade after the concept of ‘cosmopolitan peacekeeping’ was introduced¹, this paper looks to reflect on how peacekeeping operations undertaken by the UN – or at least their military components – reflect the desires of cosmopolitan scholarship that peacekeeping operations can be utilised to protect vulnerable citizens in areas of deployment from violence. It takes as its starting point debates at the turn of the century on the role of peacekeeping in global politics in the light of Kofi Annan’s 1999 call to ‘think anew’ about how the UN responds to violent conflict, and picks up specifically on the development of the linkages between peacekeeping, the protection of civilians (PoC) in violent conflict, and cosmopolitan scholarship.

At the core of this re-evaluation is the longer standing debate as to how peacekeeping fits between more state-centred approaches to international affairs, and the extent to which it has progressed as a ‘muted expression of international cooperation’². In particular it looks at the progression of cosmopolitan minded approaches to peacekeeping, and the extent to which this progress has been checked by a peacekeeping system which has at its core in the words of Norrie MacQueen a purpose ‘to stabilize an international system that, more than four centuries after the treaty of Westphalia, still has as its basic unit the sovereign, territorial state’³.

¹ Woodhouse and Ramsbotham, ‘Cosmopolitan Peacekeeping’

² Pugh, ‘Peacekeeping and IR Theory’ p.106

³ MacQueen, *Peacekeeping and the International System*, p.246

The article is framed around the concept of ‘cosmopolitan peacekeeping’, as posited by Tom Woodhouse and Oliver Ramsbotham in 2005. Woodhouse and Ramsbotham (who, along with Hugh Miall outlined a broader cosmopolitan framework for conflict resolution), argued that cosmopolitan peacekeeping should be brought to the forefront of debates over the role of peacekeeping in global politics. In their view, the cosmopolitan agenda offers a framework for the development of peacekeeping operations, as it ‘identifies a post-Westphalian direction for international politics, which transcends the state-centricity of peacekeeping’, as well as offering a consistent way of applying international humanitarian standards, in particular the duty to protect civilians, through a ‘consistent rationalization, legitimation and operationalization of concepts of human security’⁴. At its core, cosmopolitan peacekeeping is intended to achieve two goals. Firstly, operations would have the capacity ‘to address the injunction to protect civilians from violent conflict’; and secondly, that missions would address the ‘positive peace dimension’ of the human security agenda⁵.

Woodhouse and Ramsbotham however saw significant challenges in achieving the goal of protecting civilians. Although the UN was establishing mechanisms which would mean that attacks on civilian populations would constitute a threat to international peace and security⁶, ‘the potential demands on the duty to protect overwhelms the capacity of the UN to act’⁷. In their view, peacekeeping was underpowered to protect civilians.

⁴ Woodhouse and Ramsbotham, ‘Cosmopolitan Peacekeeping’, p.141

⁵ Woodhouse and Ramsbotham, ‘Cosmopolitan Peacekeeping’, p.140

⁶ UN Security Council Resolution 1296 (S/RES/1296)

⁷ Woodhouse and Ramsbotham, ‘Cosmopolitan Peacekeeping’, p.143

On that basis, the article examines UN attempts made to empower peacekeeping operations to protect civilians from violent conflict. In order to do this, the article will first look more broadly at the linkages made between peacekeeping and cosmopolitan ethics, outlining where scholarship from a cosmopolitan field advocated policy changes in UN peacekeeping operations, and where peacekeeping operations developed policy which could be seen as suggesting a cosmopolitan commitment to vulnerable civilians. The second section of the article outlines developments in UN peacekeeping that have occurred in the area of PoC mandates, guidance and training. The third section explores external and internal pressures which have placed pressure on this commitment. These pressures relate to the state-based nature of peacekeeping practice and governance. Finally, the paper offers an overview of where these pressures have left the UN in terms of operationalizing cosmopolitan commitments, arguing that the organisation is currently ‘muddling through’ with regards to PoC. In its conclusion, the paper discusses the sustainability of an approach based on muddling through, and whether a cosmopolitan and state-centred approach can ever be reconciled in the practice of UN peacekeeping. UN peacekeeping has never been trouble free, but a review of its progress is essential insofar as the activity has been described as being in a ‘quagmire’⁸.

Cosmopolitan Peacekeeping

This paper takes as its starting point the early 2000’s, a period characterised by Kofi Annan’s call from to ‘think anew’ about peacekeeping operations⁹, and subsequent debates amongst observers, policymakers and academics as to where peacekeeping

⁸ Gowan, ‘Happy Birthday, UN’

⁹ United Nations, Secretary-General presents his annual report to General Assembly (Press Release SG/SM/7136), New York, United Nations, 1999

could be situated in a framework of global politics¹⁰. From the cosmopolitan field, this period characterised a growth in scholarship that focussed on the ethical concern for vulnerable non-citizens, and the role that military forms of peacekeeping could play in acting on such concerns. This came of the back of a wider exploration of cosmopolitan democracy, and the linking of cosmopolitan democracy to moral approaches which prioritise the ‘vital needs of all human beings¹¹’. Woodhouse and Ramsbotham referred to this literature in their contribution, highlighting work from David Held and Mary Kaldor when developing their thinking. David Held outlined a pressing need for cosmopolitan institutions to uphold a ‘global responsibility actively to protect individuals from being deprived of their rights and to aid them when protection has failed’. This was at the core of what was described as a cosmopolitan democratic project, where ‘we live in a world where we must come to enjoy multiple citizenships’, and local, national and international institutions work to ‘reflect the multiplicity of issues, questions and problems which affect and bind people together irrespective of whether they are in one nation-state or another’¹². The role of operationalizing this was explored by Mary Kaldor, who argued that responses to ‘new wars’ need to be based on an ‘alliance between international organisations and local advocates of cosmopolitanism’. ‘Just as warring factions depend on outside support’ she argued, ‘so there needs to be a conscious strategy of building on local cosmopolitan initiatives’¹³. This in turn would impact on the tasks asked of military personnel, who would have to mix traditional tasks (such as separating belligerents, maintaining ceasefires, and controlling airspace), with new tasks (the protection of safety zones and relief corridors), and tasks close to ‘traditional policing tasks (ensuring freedom of

¹⁰ See for instance: *International Peacekeeping*, Vol.11, No.1, Spring 2004

¹¹ Held, ‘Cosmopolitanism, Democracy’, p.164

¹² Held, ‘How to Rule the World’. P.28; Held, *Democracy and the Global Order*

¹³ Kaldor, *New and Old Wars*, p.122

movement, guaranteeing the safety of individuals, especially returned refugees or displaced persons, and the capture of war criminals¹⁴).

The role of military personnel in a cosmopolitan framework formed the basis of work by Cheeseman and Elliot, who explored the idea that militaries can, or should, be used to ‘defend the moral community of humankind’ as well as defending ‘territorially bounded political communities’¹⁵. The authors found that this framework would alter military structures and tasks, pointing out that militaries could soon be required to ‘become the security guarantors for the whole process of civil reconciliation and reconstruction’¹⁶. In turn, the roles of militaries themselves would be altered. If cosmopolitan forces were to be created, they would have to be ‘detached as much as is possible from statist and great power purposes’ thereby being ‘qualitatively and materially different from traditional militaries in their identity and value structures’. Because of this, Cheeseman and Elliot argued that the use of cosmopolitan force must be conducted under the authority of ‘broadly-based international institutions’¹⁷. Here the United Nations was identified as a ‘legitimate’ source of peacekeeping, with a Charter that ‘resounds in cosmopolitan values’¹⁸. Exploring the role of the UN in the deployment of cosmopolitan force, Marrack Goulding argued that the UN’s peacekeeping activities ‘can include military tasks which are wholly or partly cosmopolitan in nature’, with such activities, involving coercive action against a government or illegal regime ‘for reasons that are at least partly cosmopolitan’, protection of humanitarian and civilian operations, guarding vital institutions,

¹⁴ Kaldor, *New and Old Wars*, p.125

¹⁵ Elliot and Cheeseman, ‘Introduction’, p.4

¹⁶ Elliot and Cheeseman, ‘Introduction’, p.4

¹⁷ Elliot, ‘Cosmopolitan Ethics and Militaries’, p.24

¹⁸ Cheeseman and Elliot, ‘Conclusion’, p.278

threatened communities, prominent personalities, using force to uphold human rights, and demining activities¹⁹. Influencing these wider approaches were developments in UN policy towards civilian protection. Firstly, in 1999 and 2000 the UN Security Council adopted two ‘Cross-Cutting Resolutions’ dealing specifically with threats to civilian populations during internal conflict. The cross cutting nature of these resolutions would mean that all future peacekeeping operations would incorporate them into their mandates, and that the targeting of civilian populations, and the ‘committing of systematic, flagrant and widespread violations of international humanitarian and human rights law’ may constitute a threat to international peace and security²⁰, thus giving the Security Council reason to invoke Chapter VII of the UN Charter.

Secondly, broader approaches to civilian protection were linked to the development of the ‘Responsibility to Protect’ (R2P). The 2009 Secretary-General’s report, *Implementing the Responsibility to Protect*, outlined a three-pillared approach that would form the R2P doctrine. The third of these three pillars articulates the ‘responsibility of Member States to respond collectively in a timely and decisive manner’ when a state is manifestly failing to protect its own population²¹, but noted that the UN ‘is still far from developing the kind of rapid-response military capacity most needed to handle the sort of rapidly unfolding atrocity crimes’²². It therefore encouraged ‘further creative thinking about such an option’, with the assurance that UN officials will carefully review it²³. For some, enhanced models of UN peacekeeping were well positioned to fit into this gap²⁴.

¹⁹ Goulding, ‘Cosmopolitan Purposes and the United Nations’, p.108

²⁰UN Security Council Resolution 1296 (S/RES/1296)

²¹ UN, *Implementing the responsibility to protect*, p.8-9

²² UN, *Implementing the responsibility to protect*: p.27

²³ UN, *Implementing the responsibility to protect*, p.18

²⁴ World Federalist Movement/Global Action to Prevent War, *UNEPS Backgrounder*

Thirdly, policy developments were also seen on a regional context. The development of the African Union's Peace and Security Architecture and African Standby Force offered an 'early indication' of cosmopolitan arrangements in peacekeeping²⁵. The plan for the ASF would be to create five regional standby brigades of 3000-4000 personnel, designed for intervention into a range of peacekeeping-related tasks at short notice. Additionally, the European Union looked to develop a security policy based on human security, with the 2004 *Barcelona Report*, and 2007 *Madrid Report*. These reports advocated that the EU should move from the defence of borders towards contributing 'to the protection of every individual human being', proposed a 15,000 strong 'Human Security Response Force'²⁶, with an approach that involved the use of robust military force²⁷, combined with nuanced forms of integration between civilian and military actors.

Thus a groundswell of opinion was posited by cosmopolitan scholars that the UN's ability to pick itself up from the failures of peacekeeping in the 1990s with the added focus on PoC. What followed was a series of policy developments in UN approaches towards protecting civilians, which further institutionalised the notion that peacekeeping operations should have the capacities to further protect civilians in violent conflict.

Developments in UN Peacekeeping

²⁵ Curran and Woodhouse, 'Cosmopolitan Peacekeeping' p. 1065

²⁶ Study Group on Europe's Security Capabilities, *A Human Security Doctrine for Europe*, p.19

²⁷ Study Group on Europe's Security Capabilities, *A European Way of Security*, p10

The institutionalisation of PoC has been most notable in mission mandates, policy guidance from the Department of Peacekeeping Operations (DPKO), and new training frameworks for uniformed personnel.

Mandates

Beginning with the UN's passing of cross-cutting resolutions on the issue (outlined above), PoC has gained significant traction in peacekeeping mandates, being 'invoked regularly [...] to justify giving strong Chapter VII coercive mandates' to operations²⁸. This mainstreaming of PoC in policy documents and operations' mandates has arguably had the effect of 'placing the UN at the forefront of debates and policy development in this regard'²⁹. The UN Security Council has issued mandates incorporating the requirement to protect civilians to 13 peacekeeping operations to date, including nine ongoing missions. This means that 95% of deployed personnel working under mandates which contain PoC³⁰.

To take two examples, PoC has developed from being an implied goal to a fundamental pillar of mission mandates. Under Chapter VII of the UN charter, UNSCR 2149 (2014), which establishes the MISCA peacekeeping operation in the Central African Republic, places the protection of civilians as the first priority task of the new operation³¹. Additionally, in early 2014, the UN Mission in South Sudan (UNMISS), underwent a mandate review which has streamlined the operation to focus on four main tasks: protection of civilians; monitoring and investigating human rights; creating enabling

²⁸ Breaky, et al, *Enhancing Protection Capacity*: pV

²⁹ Tardy, 'The Dangerous Liaisons', p. 427

³⁰ Statement by Under-Secretary-General Hervé Ladsous to the Special Committee on Peacekeeping Operations, 24 February 2014

³¹ UN Security Council Resolution 2149 (S/RES/2149)

conditions for the delivery of humanitarian assistance; and supporting the implementation of the cessation of hostilities agreement³². This exercise has been seen as a ‘significant departure’ from the previous mandate for UNMISS. The previous mandate which included several statebuilding tasks was unsustainable considering Security Council felt that ‘UNMISS cannot support a government that has been accused of serious human rights violations’³³.

DPKO Guidance:

With mandates developing, guidance has followed. The 2010 *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations* offered a systematic three-tiered approach to PoC, and aimed to tackle ad hoc approaches to PoC across missions and the resulting lack of ‘clear vision’ on how to implement the activity:

- Tier 1: Protection through political process: This refers to the ‘mission’s overarching mandate to support the implementation of a peace agreement, or an existing political process’. The concept note argues that a solid political process should be centred on protecting civilians, and that a society without violations on the civilian population has better chance of consolidating peace.
- Tier 2: Providing protection from physical violence: This ‘involves protecting civilians from physical violence, which includes any of the mission’s efforts to prevent, deter, and if necessary, respond to situations in which civilians are under the threat of physical violence’. This tier primarily involves

³² UN Security Council Resolution 2155 (S/RES/2155)

³³ Security Council Report, *Adoption of Resolution on UN Mission in South Sudan*

predominantly military assets, used to respond to ‘rapidly unfolding circumstances. Tier two is based around four phases: assurance and prevention; pre-emption; response; consolidation.

- Tier 3: Establishing a protective environment: The third tier focusses on the development of peacebuilding processes, and focusses on ‘supporting the establishment of an environment that enhances the safety and supports the rights of civilians’³⁴.

This has recently been supplemented with the *Implementing Guidelines for Military Components of United Nations Peacekeeping Missions*, a series of guidelines aimed at personnel at strategic, operational and tactical levels, focussing on the ‘physical protection of civilians against violence in any form.’³⁵ At a strategic level, the guidelines look towards centralising PoC in planning, considerations over force composition and disposition, and the Concept of Operations. At the operational level (Force Commander Level), the role of PoC in operational planning, orders and coordination is outlined, as is the role of human rights reporting, risk mitigation, monitoring and evaluation of results, in-mission training, and ‘expectation management’. It is in this section where the DPKO has looked to outline a strong stance on the role of military personnel reacting to potential threats to the civilian population. Operational level guidance covers rules of engagement, and ‘operational accountability’, the latter arguing that failure to act in circumstances warranting the use of ‘all necessary means’ (despite the ROE and mandate allowing such action) ‘may amount to insubordination’³⁶.

³⁴ UN, *Draft DPKO/DFS Operational Concept on the Protection of Civilians*

³⁵ UN, *Implementing Guidelines for Military Components*, p2

³⁶ UN, *Implementing Guidelines for Military Components*, p.10

At a tactical level, the guidance looks deeper into ‘Tier Two activities, and outlines advice on the conduct of PoC tasks. This includes presence and posture, reporting, adherence to Rules of Engagement, early warning, and engaging communities, with the last of these outlining the wider non-enforcement mechanisms that military personnel can use (such as community liaison and communication skills). The guidelines outline the importance of training, both at pre-deployment, and in-mission³⁷, stating that in mission training includes local cultural sensitivities, early warning indicators, and gender dynamics, as well as incorporating mission specific scenario-based simulation³⁸.

Training for Uniformed Personnel

To promote the aforementioned guidelines, the DPKO has produced Specialised Training Materials (STMs) on the Protection of Civilians, which aim to provide personnel with shared understanding of the UNs approach to PoC. It is hoped that this shared understanding ensures that operations ‘can tackle their protection functions accordingly’³⁹. The STMs are split into six modules, five of which cover the following topic areas:

- Overview of the Protection of Civilians
- International Legal Dimensions of the Protection of Civilians
- Protection of Civilians concept in the context of United Nations Peacekeeping operations

³⁷ UN, *Implementing Guidelines for Military Components* p.6

³⁸ UN, *Implementing Guidelines for Military Components* p.11

³⁹ UN, Preface: Specialized training materials on protection of civilians, p.3

- Ensuring the protection of civilians
- Prevention and response to conflict-related sexual violence

The sixth module is comprised of twelve scenario-based exercises (based in the fictitious country of Carana⁴⁰) which provides a ‘broad range’ of possible situations that might confront a UN peacekeeping mission charged with PoC⁴¹.

With these policy changes in mind, academic attention has increasingly been paid to the role of civilian protection in peacekeeping operations, with quantitative studies being particularly useful in highlight the extent to which peacekeeping operations have been able to protect civilians. What these studies show is that the developments in mandates, training, and guidance have an impact on the ability of UN missions to protect civilians. Although Murdie and Davies identify that the mere presence of a peacekeeping operation may not have an automatically positive impact on human rights situations in a country, they suggest that if the peacekeeping operation includes a ‘formal humanitarian purpose’, which focuses ‘specifically to the conditions of citizens in the conflict-prone state’, the chances are that it will improve the human rights situation in the state⁴². When a peacekeeping operation attempts to undertake mediation and information sharing with key protagonists, this again improves the human rights situation in the host state⁴³.

⁴⁰ UN, Module 6: Carana, New York, United Nations, P11

⁴¹ UN Department of Peacekeeping Operations, STM 6: Instructor Guidance Notes on the Scenario-based Exercises (SBE), New York, United Nations, 2011, p.2

⁴² Murdie and Davis, ‘Problematic Potential’, p.58

⁴³ Murdie and Davis, ‘Problematic Potential’, p.68

Lisa Hultman's statistical analysis of peacekeeping and attacks on civilians outlines that if undertaken incorrectly, international responses to atrocities by rebel groups can unintentionally lead to an increase in attacks against civilians. Such interventions can lead to belligerents targeting civilians in a last minute attempt to gain territorial control, increased violence as a strategy of one belligerent group imposing costs on its adversary, and increased violence as part of economic criminal activity⁴⁴. However, Hultman finds that if missions are deployed with mandates to protect civilians, rebel violence is actually reduced. This means that

whereas missions with clear mandates can help reduce violence and enhance the prospects for peace, simply sending troops without the mandate to interfere when necessary can be devastating⁴⁵.

Hultman's work in this regard has further identified that if adequately composed of military troops and police, peacekeeping operations 'are effective at stifling anti-civilian violence and saving innocent lives'⁴⁶. In a wider quantitative study of peacekeeping capacities to protect civilians, Hultman (along with Jacob Kathman, and Megan Shannon) finds that the level of commitment of troops and police has an effect on civilian protection, namely that the more police/troops deployed on peacekeeping operations, the higher the likelihood that violence against civilians decreases⁴⁷. This, the authors argue, means that there is 'reason for optimism regarding peacekeeping as a tool for civilian protection'⁴⁸.

⁴⁴ Hultman, 'Keeping Peace or Spurring Violence?', p.30

⁴⁵ Lisa Hultman, 'Keeping Peace or Spurring Violence?', p.42

⁴⁶ Hultman, Kathman, Shannon, 'United Nations Peacekeeping and Civilian Protection', p.888

⁴⁷ Hultman, Kathman, Shannon, 'United Nations Peacekeeping and Civilian Protection', p.879-880

⁴⁸ Hultman, Kathman, Shannon, 'United Nations Peacekeeping and Civilian Protection', p.888

Challenges to PoC

While the developments outlined above have promoted the surge of cosmopolitan peacekeeping for greater civilian protection in operations, Significant challenges prevail. These challenges – identified as being external and internal – both point to the significant challenge of peacekeeping operations being a state-based activity.

External challenges

On an external level, consent of the host state has been a consistent challenge, particularly when state forces target civilians. In peacekeeping operations, the level of consent at the state level – or strategic-level consent – is critical to the success of the mission. This is outlined in current UN peacekeeping ‘doctrine’ (*UN Peacekeeping Operations: Principles and Guidelines*) whose definition of peacekeeping - a ‘technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers’⁴⁹ - is heavily reliant on ‘strategic level’ consent of the ‘main parties’ involved in the conflict. The absence of consent of the main parties, in the view of the UN, means that the operation ‘risks becoming a party to the conflict and being drawn towards enforcement action, and away from its intrinsic role of keeping the peace’⁵⁰. State consent is an absolute but not a determining requirement. Operational experience has taught the UN that a blind reliance on state consent may lead a peacekeeping force to lose not only effectiveness but also legitimacy – that there may be those at an operational level who may not consent to the peace process or the activities of peacekeepers, and resort to

⁴⁹ UN, *United Nations Peacekeeping Operations Principles and Guidelines*, p.18

⁵⁰ UN, *United Nations Peacekeeping Operations Principles and Guidelines*, p.31-32

violence against the peacekeepers to demonstrate this (referred to ‘spoilers’ in the Principles and Guidelines⁵¹). Here, the UN distinguishes between consent from the main parties (described above) and ‘tactical level consent’. In order to safeguard strategic consent, peacekeeping operations deployed with PoC mandates follow the three-tiered approach outlined above⁵². These three areas are meant to complement each other, and to an extent provide a political safety net - to ensure that the UN will not create a parallel structure alongside a government, thus maintaining consent for an operation.

Nevertheless, in particular deployments, operational demands have overtaken planning, leading to the jettisoning of this safety net. Returning to the United Nations Mission in South Sudan, the mission was originally created to assist in statebuilding tasks. However, throughout 2014, increasing insecurity led to outbreaks of violence in the country, with the government itself becoming one of the belligerent groups⁵³. This has had notable impacts on the mission, with over 70,000 civilians seeking refuge in UN bases⁵⁴. This led to armed actors attacking the UN bases, leading, in December 2014, to the death of two Indian peacekeepers, who were killed whilst carrying out direct civilian protection activities at a UN base in Jonglei State⁵⁵. The reaction by the UN Security Council was to reinforce the UNMISS operation with 5500 troops and 440 police⁵⁶. As a result, the mandate for the operation was realigned to one which protects civilians purely through offering direct protection - guarding bases where civilians are

⁵¹ UN, *United Nations Peacekeeping Operations Principles and Guidelines*, p34

⁵² UN, *Draft DPKO/DFS Operational Concept on the Protection of Civilians*

⁵³ International Crisis Group, *South Sudan: A Civil War by Any Other Name*, p.6-7

⁵⁴ UN News Centre, *Ban, Security Council welcome South Sudan ceasefire*

⁵⁵ Oakford, ‘UN Peacekeepers Overwhelmed in South Sudan’

⁵⁶ UN Department of Public Information, *Unanimously Adopting Resolution 2132 (2013), Security Council Increases United Nations Mission’s Military Presence In South Sudan*,

sheltering⁵⁷. Briefing, the UN Security Council, head of the DPKO Herve Lasdous openly acknowledged that the UNMISS operation has removed any capacity building to the South Sudanese government, and was focusing purely on the impartial protection of civilians⁵⁸.

This action has created challenges for approaches to tactical level consent, and possibly to strategic level consent. At a tactical level, deterrence alone is not infinite, and this presents considerable difficulties where civilian protection mandates are concerned. Analysis during the time of the UNMISS realignment reflected this by outlining three possible scenarios for the force:

In the first and best scenario, the mission will manage to hold together militarily long enough for more-or-less sincere political talks to end the violence. In the second, it might muddle through in the face of half-hearted negotiations and spasmodic but serious violence, trying to save as many lives as possible. The third, worst-case scenario would involve the fragmentation and rout of UNMISS after repeated attacks on its bases, personnel and convoys⁵⁹.

This difficulty has been exacerbated as one of the major protagonists in the conflict is the government itself. As seen, the UNMISS mandate has sought to disassociate the mission from supporting capacity building in the government, principally due to the government's role in the violence. Again, this may be laudable, but when taking into account the three-pronged strategy of PoC, the UNMISS operation has arguably

⁵⁷ Inter-Press Service, *U.N. Peacekeeping Goes on the Offensive*,

⁵⁸ UN Department of Public Information, *United Nations Mission in South Sudan to suspend current activities*,

⁵⁹ Gowan, 'Diplomatic Fallout'

removed its own safety net, and set itself up as a parallel structure within the state. This has significant implications, particularly on issues of strategic consent. Such implications are not only theoretical: in March 2014, the UN itself reported that the UNMISS operation was targeted by the host government. The UN's report, found that the government of South Sudan had violated previous agreements made with UNMISS, and 'have beaten U.N. personnel and relief workers, forcibly searched their vehicles, and organized public demonstrations demonizing the world body as an enemy of the fledgling African nation'⁶⁰.

Whereas UNMISS has seen the mission move away from a belligerent state, the UN has experienced difficulties when operations support national governments who themselves are abusers of human rights. Increasingly, UN peacekeeping operations have been linked to an emergent 'stabilization' approach. Though yet to be clarified in UN policy and guidance⁶¹, a raft of UN missions have appeared with 'stabilization' in their title⁶². The mandates of such missions, according to De Coning, 'task them to protect a government against an insurgency or identified aggressors; and that they are tasked to undertake robust operations, including offensive operations⁶³'. These missions also resonate with a concept of stabilization operations shared amongst NATO member states, (and non-NATO states with experience of deployment in Iraq and Afghanistan), which focuses on 'a combination of civilian and military approaches with

⁶⁰ Foreign Policy, *Exclusive: South Sudanese Military Targets United Nations*,

⁶¹ UN, *Uniting our Strengths for Peace*, p.30

⁶² MINUSTAH: Mission des Nations Unies pour la stabilisation en Haïti (2004–); MONUSCO: Mission de l'Organisation des Nations unies pour la stabilisation en République démocratique du Congo (2010–); MINUSMA: The United Nations Multidimensional Integrated Stabilization Mission in Mali (2013–); MINUSCA: United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (2014–)

⁶³ Cedric De Coning, *Do we need a UN stabilisation doctrine?*,

a focus on re-establishing state authority in ‘failed states’; this includes provision of ‘legitimate’ state authority, institution-building, and delivery of key state services’⁶⁴.

Arguably the danger of such close alliances with host governments, without strategic and operational guidance means that a UN system that encourages processes of democratization and good governance, has unwittingly become involved in ‘complex local political alliances and patronage systems’, in a range of post-conflict environments. This problem has been exacerbated by the UN’s focus on supporting ‘strong men and women’ to lead ‘strong institutions’ in these societies. This has arguably led to ‘strategic weakness’ in a number of UN operations, where the UN is ‘entangled in fractious and arguably unethical relationships with national leaders who, driven by greed or fear, have little real interest in stable, open and inclusive political systems’⁶⁵. With UN policymakers fearing the catastrophic effects of withdrawing from countries where the government is known to abuse human rights, missions tend to stay, with the hope that strong leaders are shepherded to less hardline approaches. This invariably brings further challenges to missions, which (at least in the case of the MONUSCO operation in the DRC) have worked alongside state forces which contain alleged war criminals ⁶⁶.

Internal Difficulties:

Internally, the governance of peacekeeping is predominantly a state-based process, with states sat on the General Assembly and Security Council outlining their perspective on peacekeeping, and how the activity should be undertaken. This becomes problematic,

⁶⁴ Curran and Holtom, ‘Resonating, Rejecting, Reinterpreting’, p.4

⁶⁵ Gowan, ‘Happy Birthday, UN’

⁶⁶ Gowan, ‘Happy Birthday, UN’

as there is considerable debate over concepts underpinning peacekeeping operations, and their applicability to modern day operations.

Amongst member states in the UN, and supporting policy guidance, there is an broadly accepted approach that peacekeeping operations are based on three core principles: consent of the parties to the conflict; impartiality of the peacekeeping force; and minimum use of force (apart from in self defence, and defence of the mandate)⁶⁷. These principles have historical significance – they have been in existence since the first UN peacekeeping missions – and are to many what sets UN ‘blue helmet’ peacekeeping apart from other forms of interventions.

However, the impact of declining consent from those states who host UN peacekeeping – particularly where PoC is involved – has led to difficulty. In June 2014 the Russian Mission to the UN lead a thematic debate entitled ‘United Nations Peacekeeping Operations: New Trends’. The concept paper for the debate notes a growing concern from the Russian Mission that the gap between the underlying principles of peacekeeping, and the practice of peacekeeping is growing⁶⁸. Additionally, statements from South and Central Asian Troop Contributing Countries, who for the past ten years have borne the brunt of UN peacekeeping operations, have set the tone for more skepticism towards heavy PoC. Pakistani Ambassador, Masood Khan, made clear the Pakistani position that protecting civilians is the priority of the host nation (supported by the peacekeeping mission), and that ‘there should be no misplaced expectations from

⁶⁷ See, for instance statements to the 15th, 16th, 17th, 18th Meeting of the 68th Session of the General Assembly Fourth Committee on the topic ‘Comprehensive review of the whole question of peacekeeping operations in all their aspects [item 53]’, 28-30th October 2013

⁶⁸ UN, Letter dated 1 June 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General (A/68/899-S/2014/384)

the Missions’, as they ‘cannot provide protection to all the civilians all the time’⁶⁹. Likewise, a study on Indian approaches to peacekeeping notes that it ‘has not been comfortable’ with increasing activism in this area, in particular when peacekeeping is ‘employed for humanitarian concerns under the “Responsibility to Protect.”’⁷⁰.

This last point explains why in 2012 the UN Secretary General clearly stated that ‘consent based and non-coercive’ peacekeeping operations do not fall under ‘Pillar Three’ of the R2P. This distinction was partly a result of pressure from troop-contributing countries for a clear distinction to be made between consent-based peacekeeping operations and interventions under the R2P, which may not require the consent of the host government⁷¹. Importantly, the Secretary-General argued that “[w]hile the work of peacekeepers may contribute to the achievement of RtoP goals, the two concepts of the responsibility to protect and the protection of civilians have separate and distinct prerequisites and objectives”⁷².

Consequences are also being felt on other areas of peacekeeping policy, particularly areas of peacekeeping that have been subject to longer processes of negotiation, such as levels of troop reimbursement for peacekeepers. The Contingent-Owned Equipment Working Group is the committee designed to forge a pathway through the issues of how peacekeepers are reimbursed for undertaking their duties. When operations are deployed into operating environments which ‘significant, additional hardship’, member states can expect compensation through adjustment to standard reimbursement rates.

⁶⁹ Statement by Ambassador Masood Khan, Permanent Representative of Pakistan to the United Nations at the Security Council thematic debate on Protection of Civilians in Armed Conflict New York, (12 February, 2013)

⁷⁰ Banerjee, *Contributor Profile: India*

⁷¹ Curran, ‘The European Union and Pillar Three’, p.150

⁷² UN, *Responsibility to Protect: Timely and Decisive Response*, p5

The four identified areas are ‘Environmental, Operational Intensity, Hostile Action/Forced Abandonment, and Potential hostile engagement’. Additionally, in recent discussions within the UN’s Senior Advisory Group on Rates of Reimbursement to Troop Contributing Countries, a ‘risk premium’ has been placed under discussion, which is effectively an additional financial incentive for units to deploy without restrictions or caveats, and are recognized as ‘having “acquitted themselves well despite exceptional levels of risk.”’⁷³

Deployment into ongoing conflict with mandates to protect civilians, under a robust mandate, possibly against the wishes of the state, therefore brings a considerable financial effect on the peacekeeping system⁷⁴. Moreover, regarding the increase in equipment costs, contingents deploying into areas where conflict is ongoing often have to ensure that they have adequate equipment to protect themselves. Troop and equipment costs becomes more pronounced when the major financial contributors are seeking to keep costs low within UN operations, a fact reflected by the head of the Department of Peacekeeping Operations, Herve Ladsous, who stated that ‘Flexibility and innovation at Headquarters and within our missions is no longer an option, but an acute necessity’⁷⁵

This divergence between those who undertake the peacekeeping (who want better financing), and those who create operations (who wish to see better value for money) links to the final area where the peacekeeping system could be stretched, and that is in the relationship between the UN Security Council - which has a minority of troop

⁷³ Coleman, ‘The Political Economy of UN Peacekeeping’, p.9

⁷⁴ International Peace Institute, *Issue Brief: Peacekeeping Reimbursements*

⁷⁵ UN News Centre, *Senior UN officials highlight need for strengthening capabilities*

contributing states on it - and the General assembly - with a much larger number of troop contributors. This has been outlined in the UN's recent High Level Report on Peace Operations, which state that the lack of effective 'triangular cooperation' between the secretariat, Security Council, and TCCs 'has generated frustration on all sides, and has impacted mandate implementation'⁷⁶ Significant diversions in peacekeeping policy have also been criticized for their apparent lack of consultation. Questions were raised when the UN Security Council passed Resolution 2098, which authorized the establishment of the MONUSCO Force Intervention Brigade, to carry out 'targeted operations to "neutralize and disarm" the notorious 23 March Movement (M23), and other Congolese rebels and foreign armed groups' in the east of the DRC. The FIB, comprised of three infantry battalions, artillery, Special Forces and reconnaissance, was created as part of a wider drive by MONUSCO to 'proactively protect civilians'. However, the seemingly small timescale for debate amongst member states brought significant criticism from the Permanent Representative of Argentina:

I reiterate that we believe that we are facing a conceptual change of the traditional understanding of peacekeeping operations. The inclusion of a peace-enforcement dimension in the concept of peacekeeping, even when justified under the circumstances, requires in-depth consideration and responsible action. Faced with that challenge, I emphasize that more than one week of negotiations would have been needed so that all the concerns of the members of the Council could have been reasonably addressed,⁷⁷.

⁷⁶ UN, *Uniting our Strengths for Peace*, p.49

⁷⁷ UN Security Council, 6943rd meeting (S/PV.6943), New York, 28th March 2013

Statements such as this also highlight the role of state-interest in the UN's decision making bodies. The apparent 'steamrolling' of initiatives such as the FIB links to studies which highlight the monopolization of decision-making by the permanent five on the Security Council⁷⁸, often to the cost of UN peacekeeping itself⁷⁹.

These internal pressures bring into question the extent to which UN peacekeeping can achieve the goals of civilian protection. The internal debates are inextricably interlinked with the external pressures outlined previously that cause member states in New York to question the appropriate direction of UN peacekeeping.

The current response: Muddling on through?

The policy dilemma therefore is that the UN has developed capacities in its ability to undertake PoC tasks in peacekeeping operations, but not developed enough to undertake missions solely based on the Protection of Civilians. The situation is therefore one of 'muddling through', where opportunities are taken where possible, but wider issues are left unaddressed. This becomes problematic when there are missions deployed which are PoC-heavy deployments, regardless of the range of interpretations of what can and should be attempted by the wider UN membership. This is demonstrated in the UN's own reflections on how peacekeeping operations deal with PoC.

In 2014, the UN's Office for Internal Oversight Services (OIOS) produced a report entitled 'Evaluation of the implementation and results of protection of civilians

⁷⁸ Cunliffe, *Legions of Peace*, p.225

⁷⁹ Durch, 'Supporting Peace', p.45

mandates in United Nations peacekeeping operations’. The report sought to examine how UN peacekeepers operating under PoC mandates interpreted the mandates, and importantly for this discussion, the extent to which force was used as a mechanism to protect civilians when under attack. Importantly, the OIOS report highlighted a significant shortfall in peacekeepers’ actions. Through examining Secretary General’s Reports from 2010 to 2013⁸⁰, the report outlined that of the 507 incidents reported in the time period, only 20 per cent (101 incidents) were reported to have attracted an ‘immediate mission response’.⁸¹

The report went on to state that where missions were deployed ‘on site’ at the time of an attack or threatened attack, force was ‘almost never used’. Instead, peacekeeping forces used a range of non-violent tactics to protect civilians. That peacekeepers use a wider range of tools at their disposal than the use of force demonstrates that there are wider tools to achieving civilian protection. This was the main thrust of the response by the UN Department of Peacekeeping Operations, who argued that by focusing on ‘one element of military action’, the report ‘devalues the importance of political solutions’ undertaken by peacekeeping operations in their protection activities⁸². However, it also indicates that although the UN Security Council is becoming more active in authorizing robust peacekeeping which has PoC components, there is less such activity in deployed missions. This mismatch was highlighted by the OIOS, which stated that

⁸⁰ Note that the reporting period here was 2010-2013, and thus did not take into account attacks on UN bases in South Sudan

⁸¹ UN Office of Internal Oversight Evaluation of the implementation and results of protection of civilians mandates, p.7-8

⁸² UN Department of Peacekeeping Operations, ‘Annex I’, p.26

Where Security Council intent is unclear (or, as one senior mission official put it, “skimpy on the detail”), mission leaders as well as contingents within the same mission can interpret mandates differently. Some contingents were reportedly more willing to use force than others⁸³

When considering the quantitative work on peacekeeping (outlined above) this is problematic, particularly when there is an emerging body of literature which argues for missions to be better equipped – both conceptually with mandates, and physically with resources – if they wish to achieve improved civilian protection. Additionally, it leads to two considerable problems for missions. Firstly in the expectations of what missions can and cannot achieve, and secondly the possibility of peacekeepers unwittingly sidestepping a legal requirement to use force to protect civilians.

The OIOS noted that high expectations are placed on missions with PoC, particularly if the Security Council continues to authorize missions to use force – up to and including deadly force – to protect civilians. Missions can therefore be ‘reasonably be expected’ to provide protection to vulnerable populations. When missions fail to provide such protection, civilians ‘are often highly critical of the mission’s performance’. The OIOS put this criticism in the context of the use of other measures (mentioned above), stating that ‘Successes in prevention do not, in the opinion of civilians, offset failures to intervene when they are under attack.’⁸⁴. For instance, a *Foreign Policy* investigation⁸⁵ into United Nations/African Union hybrid operation in

⁸³ UN Office of Internal Oversight, *Evaluation of the implementation and results of protection of civilians mandates*, p.13

⁸⁴ UN Office of Internal Oversight Services, *Evaluation of the implementation and results of protection of civilians mandates*, p.7

⁸⁵ Lynch, ‘Report: ‘They just stood watching’’

Darfur explored the mission's (in)ability to protect civilians in the Darfur. The investigation highlights a myriad of issues which have impeded the operation in protecting Darfuris from attacks perpetrated by government-backed militias, even though the operation is backed by a Chapter VII mandate covering the Protection of Civilians⁸⁶.

Security Council mandates authorizing the use of force also creates a legal requirement to 'do so within their capabilities when civilians are in imminent physical danger or actually being attacked in their areas of deployment⁸⁷'. However, from interviews with mission staff, the OIOS reported that there was less understanding of the legal requirements pertaining to PoC activities when a state is unable or unwilling to discharge their primary responsibility to protect civilians. Moreover, the OIOS reported that mission staff felt that the use of force would be 'unrealistic' if it was against the host state. This, the OIOS reported, 'recognizes operational and political constraints, but is at odds with the legal authority and mandate to act⁸⁸'.

Muddling through does not provide a sustainable base for the development of PoC. Regardless of training, guidance, and mandating, consent and sovereignty will always win out in the peacekeeping system. This may happen on an internal level, where member states will become increasingly resistant to significant change in the peacekeeping system (pushback concerning the R2P is indicative of this). This could also happen on an external level, when strategic level consent to a UN mission is lost.

⁸⁶ UN Security Council Resolution 1769 (S/RES/1769)

⁸⁷ UN Office of Internal Oversight Services, *Evaluation of the implementation and results of protection of civilians mandates*, p.7

⁸⁸ UN Office of Internal Oversight Services, *Evaluation of the implementation and results of protection of civilians mandates*, p.15

Warnings regarding the UNMISS operation made in 2014 indicate this, as does more recent assessments of the UN's links with host governments who themselves are abusers. Muddling through may also mean that missions are susceptible to being used and abused by states on the P5. As Hugo Slim has recently argued, the 'very fact that all power tends to want to adopt humanitarian discourse indicates the very real strategic significance of the idea and its language'. If, in Slim's view, one is to claim to be acting in a humanitarian context, they can 'earn for themselves an extraordinary allure – even, paradoxically, when the claim to be humanitarian is made from the very act of being violent'⁸⁹. Arguably, the debates over the Force Intervention Brigade in the DRC speak to this.

Conclusions

This raises important questions about the shape and direction of cosmopolitan peacekeeping. Firstly what speed do we expect change to happen at UN level? For Woodhouse and Ramsbotham, they take the longer view. Whilst noting that the state-based and militarized system of the UN, they outline another level of international organisation, the 'international community', where states recognise a degree of international collectivity beyond the state. This is not a homogeneous entity and that the UN system is a hybrid and constantly evolving system, they suggest longer-term evolution towards cosmopolitan goals⁹⁰. Muddling through therefore could be a stage in a wider re-envisioning of peacekeeping, and international conflict management. However, what if cosmopolitan peacekeeping has reached its boundaries in the UN? Woodhouse and Ramsbotham argued that cosmopolitan approaches can provide a

⁸⁹ Slim, 'Violence and Humanitarianism', p.337

⁹⁰ Woodhouse and Ramsbotham, 'Cosmopolitan Peacekeeping' p.141

policy ‘bridge’ between solidarist approaches to the UN and the more transformative approaches from the critical theory field: in some ways they were right with developments being made in policy which moved peacekeeping towards a more cosmopolitan footing. Yet, limitations are apparent, something picked up more recently by cosmopolitan scholars. David Held has recently made the point that collective and collaborative action is ‘something that the nations of the world have not been good at’⁹¹, and whilst academic discourse around cosmopolitanism has been ‘unexpectedly successful’, ‘efforts to obtain a democratic transformation of world politics have achieved very modest results so far’⁹². In order to interrogate whether there has been an evolution (or transformation) of states’ interests towards more cosmopolitan ends, more research is needed into how states approach issues of protection in UN fora. Here, approaches to understanding the development of ‘stabilisation’ discourse in the UN Security Council may provide an indication as to how this could be done⁹³.

A juncture can thus be identified, with three possible forms of future development (though it should be noted that each pathway is not exclusive from the others). Firstly is an approach which accepts that ‘muddling through’ is part of the norm in peacekeeping, and to continue ‘baby-steps’ of policy development at tactical levels. This would achieve noted policy developments, but with the constant threat that a disaster is never far away. The OIOS report testifies to this, outlining that for all of the tactical developments, the UN Security Council’s mandating of PoC for missions in areas of low consent does not often equate to robust action. Secondly, is to build on

⁹¹ Held, ‘Cosmopolitanism, democracy, and the Global order’, p.170

⁹² Archibugi and Held, ‘Cosmopolitan Democracy’, p.435

⁹³ See for instance Curran and Holtom, ‘Resonating, Rejecting, Reinterpreting’, which utilized a dataset of 3,332 UN Security Council meeting records by uploading them to QDA data miner, where a Wordstat package was used to extract all instances in which ‘stabilization’ or ‘stabilization’ featured in a UNSC meeting

existing understanding that places PoC in a wider context than just in the UN. This accepts that UN peacekeeping, identified as the ‘Swiss army knife’ of international conflict management⁹⁴ has unassailable limitations in this field. Taking this path would arguably make the role of UN peacekeeping operations more complimentary to those who have alternative, more civilian-led approaches to civilian protection, and would possibly mean the UN steps back from tricky deployments. It is also possible that if there were to be a disaster in PoC (see the warning about UNMISS above), this pathway may be more likely. The third, more cosmopolitan minded, approach would be to seek to strengthen international arrangements to protect civilians. This would include further investigation and advocacy of the possibility of reform at the global level of peacekeeping decision-making, ranging from analysis of the behavior of key states in UN fora, to reform initiatives designed to enhance UN Security Council working methods. From what this article has argued, this global level democratization has thus far been almost impossible. Nevertheless, it is essential that those engaged with cosmopolitan approaches to conflict management seek for ways in which change can be achieved. If this is abandoned, the hard-won smaller scale policy developments will be akin to shifting deckchairs on the titanic.

⁹⁴ von Gienanth, Hansen, Köppe, *Peace Operations 2025*, p.58

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