By any other name? Rethinking the implications of mandate language in UN peace operations for civilian protection

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Abstract

This dissertation concerns the influence of mandate language on civilian protection in peace operations. Because peace operations do not exist in a legal vacuum, and must operate within the law, the first paper situates the 'Protection of Civilians' (POC) concept within the framework of international human rights and international humanitarian law. The second paper then addresses the influence of mandate on civilian protection and determines that even a bare-bones mandate indicator demonstrates that mandates are consequential for POC operations. The third paper introduces one of the main contributions of this dissertation: the Peace Operations Protective Language Dataset (PKO-PLD). In it, mandates authorized between 1988 and 2015 are coded according to their protective elements across different civilian populations. The fourth paper of the dissertation employs this original dataset to consider the impact of the various linguistic components on civilian casualties. In sum, this dissertation reveals that mandates do matter for civilian protection and that, in general, stronger mandates protect better than weaker ones.

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Introduction

Over the course of its history, the United Nations (UN) has authorized more than seventy peace operations and deployed hundreds of thousands of troops to conflict-affected areas. Currently, 110,000 'blue helmets' are deployed across fourteen operations. The earliest UN peace operations (UNPKO) dates back to 1948 with the deployment of the United Nations Truce Supervision Organization (UNTSO). It remains active today, but its profile stands in stark contrast to operations deployed under more modern mandates. UNTSO and its contemporaries were strictly interpositional and, until the United Nations Emergency Force (UNEF) in 1956, unarmed. Conversely, current PSOs are often tasked with peace enforcement and governed by robust rules of engagement. In fact, as of 2016, there are in excess of 100,000 PSO troops operating with the legal authority to use deadly force to protect civilians (Foley, 2017, p. 1). In this introduction, I track the evolution of peace operations (PSO)[1] mandates over time and introduce the three papers that comprise this dissertation with short summaries.

Mandate Evolution

Mandates authorize and govern the deployment and objectives of PKOs. Passed by the Security Council as part of a resolution, they are political agreements among fifteen States that are legally binding on all. They determine what PSOs set out to achieve and what means they can use to do so and inform the construction of rules of engagement (ROEs). But they are not always clear. This is largely owing to the intense political negotiations that produce them, and the reality that 'constructive ambiguity' is an important tactic for passing anything (Johnstone, 2015). In order to fill in the gaps left by diplomats—intentionally or not—those in the field must interpret them using other sources of guidance. International human rights law,

[1] In the introduction and Paper 1, I refer to the operations of interest as peace support operations (PSOs), rather than peacekeeping operations (PKOs), due to the more inclusiveness of the terminology. I use PKOs in subsequent papers owing to that being the typical terminology in political science literature.

international humanitarian law, and international norms serve this purpose. Histories of violence and shifting international norms have pushed both the shape of mandates, and the liberties taken to interpret them in order to improve civilian protection in the context of armed conflict. PSOs have undergone significant changes in this area. Their evolution is described below.

Traditional Peacekeeping

Traditional peace operations are governed by three tenets: 'consent' of the host country, 'impartiality', and the non-use of force but for self-defence. Traditional peacekeeping operations carry light weapons if armed at all and are de facto authorized under Chapter VI of the Charter. Traditional operations largely address international or territorial conflicts that have agreed to a ceasefire. UNTSO was deployed to the Middle East to monitor a ceasefire that ended the Arab-Israeli War. It had the singular responsibility of 'keeping' the peace, in an environment where a peace was already established. Moreover, it consisted entirely of unarmed military observers, charged with assisting the UN Mediator upon Palestine's request for a third-party guarantor. The United Nations Military Observer Group in India and Pakistan (UNMOGIP), United Nations Force in Cyprus (UNFICYP), and the United Nations Mission for the Referendum in Western Sahara (MINURSO) are among other traditional missions that exist today. All of these are authorized and deployed with the consent of the parties, under the banner of impartiality, and with use of force limited exclusively to self-defence.

Peace Enforcement

'Peace enforcement' operations are authorized under Chapter VII of the UN Charter. Chapter VII permits the Security Council to use coercive measures when necessary in order to sustain 'international peace and security.' This means that a PSO's deployment does not require consent of the parties and does not exclude use-of-force as means to execute its mission. The

United Nations Operation in Somalia (UNOSOM) was among the first PSO to operate under a Chapter VII mandate. In contrast to 'robust' PSOs, 'enforcement' operations can use force at the strategic level. Use of force was permitted, but its application was never explicitly extended to civilian protection.

Most contemporary PSOs are authorized under Chapter VII. With the exception of the United Nations Interim Force in Lebanon (UNIFIL), all POC operations are. Chapter VII mandates might also stipulate that use-of-force is an appropriate means of achieving other objectives. These are commonly 'stabilization' and 'rule of law' activities. The Democratic Republic of the Congo (DRC) plays host to the newest mandate type. With Resolution 2098 (2013) the Security Council authorized ('without setting a precedent') an operation to 'prevent the expansion of all armed groups, neutralize these groups, and disarm them.' This language marks a distinct turn in mandate-drafting. While traditional peacekeeping upholds the three central tenets of peacekeeping, 'peace enforcement' chips away at some of the requirements of consent and non-use of force. The clause mentioned above appears to topple the principle of 'impartiality.' This mandate trajectory favours a more aggressive approach to the conduct of operations.

Contemporary Issues and Civilian Protection

The evolution outlined above is understandable. Today, most PSOs are deployed to ongoing conflicts where there is 'no peace to keep.' This requires adjustments to PSO functions and obligations, including the addition of the POC responsibilities. Though civilian protection was not a primary focus in early operations, it is now an accepted and expected component. This doctrinal shift follows a series of atrocities to which the UN was unable to adequately respond, including the genocide in Rwanda and the slaughter of civilians in the Former Yugoslav Republic. Facing a crisis of credibility, in 1999 the UN Security Council requested

that the Secretary General supply it with a report on protection of civilians in armed conflict. Soon after, the Security Council authorized its first 'protection of civilians' mandate. Resolution 1270 established the UN Mission in Sierra Leone (UNAMSIL) and authorized it to 'take the necessary action…within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence' (S/RES/1270 (1999)). UNAMSIL was endowed with the authority to use force under Chapter VII in pursuit of this objective.

The authority to protect civilians is now standard in PSOs, though the nature and language used to invoke it vary.[2] In fact, even the breadth of threats to civilians that a PSO is required to deter remains unspecified. For instance, mention of human rights protection is scarce in mandate text, but there is reason to believe that protection constitutes more than safeguarding from lethal attack. The Charter charges the Security Council with maintaining 'international peace and security,' a concept the UN consistently linked with human rights. In 1953, the United Nations Commission on the Racial Situation in the Union of South Africa was absolute in its report that respect for fundamental human rights was at the forefront of the minds of those who drafted the Charter, and necessary for the establishment of a world order capable of sustaining peace between nations:

> They were firmly convinced that the deliberate, systematic and continued violation of human rights was not only contrary to justice and a threat to the internal peace of States, but bound, sooner or later, to endanger peace between nations (A/2505 (1953)).

[2] The United Nations Supervisory Mission in Syria (UNSMIS) is one exception. The mandate set out in Resolution 2043 (2012) mimicked the earliest PSOs in strength, objective, and authority. It was an unarmed mission charged with supervising a weak ceasefire, with no specified responsibilities to protect civilians – and no forceful means of doing so. UNSMIS withdrew early in the face of a surge in violence that made implementation of the peace plan untenable (*UNSMIS Background*). See S/RES/2043 (2012).

This point is further substantiated by the General Assembly's passing of Resolution 721 (1953) which 'notes' that the '[apartheid policies...are] contrary to the Charter, and the Universal Declaration of Human Rights'—that 'the continuance of this policy would make peaceful solutions increasingly difficult *and endanger friendly relations among nations*' (emphasis added) (A/RES/721 (1953)). While neither the decisions of the General Assembly, nor the reports commissioned by the Secretary-General have any legal bearing on States, it is significant that a majority of States believe the relationship between human rights and international peace exists.

A more tangible point concerns the historical absence of human rights references in mandate text. What is often overlooked is that mandate-yielding resolution begins with a preamble. In peace operations without an explicit human rights mandate, it is here (in the preamble) that one finds human rights language. Unlike the mandate, the preamble does not authorize an operation; but it is equally binding on States—and, equally political. In fact, it has been proposed that the passage of some resolutions pivot on preambular wording. For instance, with respect to the Occupied Territories, at the meeting of the Security Council on 19 December 1990, the representative of Finland stated:

> So far as we understand it, the situation now is that the contents of this working paper are almost agreed; a couple problems remain…these difficulties have to do with the preambular paragraph in the draft resolution.

Still more to the point, following the Finish representative's statement, the representative of Malaysia objected to the United Kingdom's motion to suspend discussion of the question:

> …The problems have yet to be overcome. He mentioned a few important words. Lots of important events indeed pivot on important words (S/PV.2970 (Part 1) (1990), p. 8).

Together, mandates, international law and norms constitute a specific framework in which PSOs operate—particularly when 'important words' are missing. Presently, there is little research to examine the general effectiveness of POC mandates in terms of their constituent language and protection outcomes. In fact, while much has been made of the formalization of a 'POC' mandate, and despite the variation that exists in their composition, there is no work addressing what a successful one entails. Attempts to study PSO outcomes without accounting for PSO framework will overlook important forces that shape the questions to be asked and answers revealed. This dissertation begins to address this oversight and is comprised of the four papers laid out below.

Paper 1

The first stage in this endeavour is to determine what 'protection' means, and how it should be assessed. In fact, while the Security Council is responsible for determining a protective the agenda for PSOs, it has not set out a definition of what the agenda entails (Holt et al., 2009, p. 63). Lacking guidance from the Council, there are two bodies of international law that can inform such a study: International Humanitarian Law (IHL) or International Human Rights Law (IHRL). I introduce both of these and discuss their respective implications for protection. After demonstrating the advantages of approaching PSO outcomes from a human rights perspective, I explain how law can be used to shape empirical arguments.

Paper 2

In the second paper, I consider the utility of the POC mandate and its influence on the protective outcomes of PSOs. I posit that the few existing studies of civilian protection in peace operations understate the importance of mandates in their assessments of what constitutes successful POC operations. I use Hultman et al.'s (2013) noteworthy article to frame the study. While their study focuses on the influence of personnel counts on one-sided violence, their work also lends itself to this research through the inclusion of the two mandate variables in the

dataset. Though blunt instruments, their inclusion in the model reveals that mandate type influences the effectiveness of personnel.

Paper 3

The third paper introduces the *Peace Operation Protective Language Dataset (PKO-PLD)*, which begins to account for the variation in protective language across POC mandates. While this might seem a trivial undertaking, when one recognizes that each word in a mandate is a function of a political agreement the language acquires greater meaning. In fact, agreement indicates consent among the five permanent members of the Council, and a minimum of four non-permanent members.[3]

Appreciating the role of mandates requires a unique sensitivity to the language used.

I demonstrate appropriate sensitivity in a description of the coding process and the defining of the various terms. This third paper also describes the task of categorizing protective language across multiple civilian populations. This is a novel approach. In the same way that there is no practical expectation that any PSO will be able to protect *everyone everywhere*, there is scant attention to the different protections to the populations that are specified.

Paper 4

The fourth paper pulls the contributions and findings of the previous papers together in order to determine the influence of particular phraseologies on civilian protection. While the study relies on casualties as an indicator of protection, it embraces the IHRL framework by expanding casualty figures to include deaths that are not a function of targeted killing. This is in keeping with the propositions put forth in the first paper. The model is derived from the second paper and substitutes the blunt mandate variables for the more sensitive mandate

[3] 'Agreement' here indicates non-veto vote; but does not imply that no abstentions were made—nor that all members voted. This is justified on the basis of practice. That is, whatever political effect is desired vis-à-vis abstention, is void in practice as the resolution—a document binding on the General Assembly—is passed.

characteristics included in the PKO-PLD as described in Paper 3. The paper reveals that in most cases, strong mandate language corresponds with a decrease in civilian protection.

In the conclusion I affirm that mandate language plays a role in the execution of POC mandates. I then share anticipated implications of the findings, and suggest areas requiring further research.

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Paper 1: An argument for framing human rights research in peace operations within the law

Introduction

Although the trajectory of peace operations (PSO) policy invites a human rights research agenda, human rights continue to be overlooked as an area of empirical study.[4] PSO research is often confined to their impact on the duration of conflict and the stability of any subsequent peace. The specific human rights functions of PSOs are primarily addressed in the field of law (Foley, 2017; Howland, 2006; Cerone, 2006). Including legal sensitivities in empirical research permits a more thorough approach both to identifying questions and arriving at conclusions concerning civilian protection in PSOs. In this paper I unpack how empirical research can be undertaken in a way that recognizes the complex legal environment in which PSOs take place and that reflects the limitations and obligations imposed on PSOs as a matter of law.

The paper begins with a brief background on the conception and evolution of PSOs, an understanding of which is crucial for the appreciation of how PSOs came to take the shape that they have, and what their burgeoning protective responsibilities do and do not require. In the second part of the paper, I discuss the purposes and roles of international humanitarian law and international human rights law (IHRL) in the conflict environments. This section consists in an inquiry into the debates surrounding the application and co-application of the two frameworks, addressing in particular what obligations PSOs have, and to whom. I articulate the multiplicity of legal instruments that govern the conduct and responsibilities of PSOs. Subsequently, I draw recognize that *codified* law is not the only source of legal guidance on the behaviour of hostile parties or PSOs.[5] An extensive normative framework

[4] I use 'peace support operations' (PSOs), to avoid the confusion that accompanies the categorical application of the 'peacekeeping' to all types of operations (only one of which is actually 'peace*keeping*').

[5] These are not necessarily mutually exclusive. I address this issue later in the paper.

also exists and is becoming ever more prominent in the discussion of international obligations. I discuss the protective obligations laid out by treaty and customary IHL and IHRL.

The final section concerns the actual task of situating political inquiry into human rights and PSOs within a legal framework. I offer a survey of what political science has so far revealed and expose the substantive gaps that remain. This task focuses primarily on the underexplored host of protections articulated in IHRL that go beyond the right to life. The paper ends with a summary of conclusions and emphasize the necessity for improved communication across disciplines in order to promote the objectives put forth.

Background

What began as 'peacekeeping' with the 1956 UN Emergency Force (UNEF), has since evolved to require a complex categorization scheme.[6] The United Nations Department of Peacekeeping Operations (UNDPKO) uses the following typology to distinguish them: 'conflict prevention', 'peace making', 'peacekeeping', 'peace enforcement', and 'peacebuilding' (United Nations, 2008b). UNDPKO concedes that there are numerous sites of overlap and many 'grey areas' that obscure the boundaries between them, and depicts the relationship in the following way:

[6] UNEF was not the first peace operation, but it was the first to resemble the types of operations undertaken today. That is, unlike UNTSO in the Middle East, or UNMOGIP in India and Pakistan, UNEF was armed—albeit lightly. Many of the questions surrounding obligations to protect involve the challenges associated with PSOs opting—or neglecting—to use force to protective ends. For this reason, I use UNEF as the baseline for the evolution I describe.

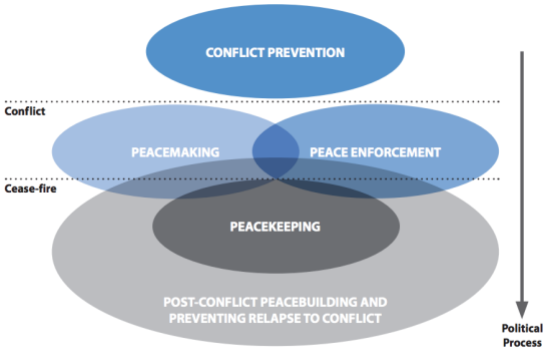

Figure 1 Linkages and Grey Areas (United Nations, 2008a)

Both the overlapping and disparate areas of these categories have implications for civilian protection. Tradition dictates that peace operations abide by three principles: 'consent' of the parties, 'impartiality', and 'non-use of force' (United Nations, 2008b). But even these bedrocks are fluid. For instance, 'robust' peace*keeping* grants some authority to use force for tactical purposes. In contrast, peace *enforcement* operations occupy another step in this evolution, such that force may be used at the strategic level and beyond self-defence (UNDPKO, n.d.).

But where do human rights fit in? In fact, human rights issues permeate Figure 1. Human rights violations are often both drivers and consequences of conflict. Though historically under-stated, they are relevant to each of the categories above. The degree to which PSOs can intervene to protect human rights or simply document their violation is stipulated in the relevant resolutions and mandates therein.

An early example of implied human rights protections is the UN Military Observer Group in India and Pakistan (UNMOGIP).7 Resolution 91 (1951) lays out various

[7] In fact, UNMOGIP pre-dates what is now considered 'peacekeeping'. It consisted entirely of unarmed observers.

responsibilities that the two Governments should fulfil with regard to the settlement of the Jammu-Kashmir border conflict. These include that:

> 14. The Government of India should ensure that the Government of the State releases all political prisoners and takes all possible steps so that:
>
> (a) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;
>
> (b) There is no victimization;
>
> (c) Minorities in all parts of the State are accorded adequate protection.
>
> 15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

The resolution then dictates that

> 17. The Commission [for Pakistan] should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs (S/RES/47 (1948)).

Human rights are not formally invoked in the resolution, but sub-sections 14(a-c) correspond to rights articulated in the Universal Declaration of Human Rights (UDHR) (1948). Thereby, the resolution creates an ipso facto obligation to consider human rights norms and implications in the Group's undertaking of its duties.

Recognizing the many failures of PSOs to protect civilians in the early 1990s, the UN introduced a new mandate explicit in its prioritization of civilian protection, including authorization for the use of force for that purpose. Paragraph 14 of Resolution 1270 (1999)

authorized UNAMSIL, the second wave of PSOs deployed to the conflict in Sierra Leone, states that the Security Council,

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

The phrase 'necessary actions' in this context is associated with the use of force and has been echoed in nearly every PSO authorized since. This development, resonant decades later, was founded of a need to rebuild the reputation of the UN in light of the thousands of civilian deaths occurring throughout the deployments of numerous operations in the Balkans, Liberia, Rwanda, Somalia, and Cambodia, and as part of the international community's shared sense that civilian protection is a necessary pillar of any international security strategy.

Contemporary mandates are often also explicit in their concern for human rights, but less so on the particular obligations that a PSO has. In fact, most mandates include some language compelling PSOs to at least consider human rights in their conduct—but offer little guidance on how troops may proceed to protect them. In the case of MONUC, Tull (2009, pp. 224-5) alludes to these complexities. He first points out that

> Resolution 1565 authorized MONUC 'to use all necessary means, within its capacity and in the areas where its armed units are deployed' to carry out (nearly) all the tasks mentioned in that resolution.

And subsequently questions whether or not this implied

that the mission should use force 'to seize or collect arms', 'to assist in the promotion and protection of human rights' and 'to ensure the protection of civilians'?

Answering this question requires the consideration of Articles 2(4), 50, and 51 of the Charter, the 'proportionality' requirement in IHL, and the various human rights obligations of PSOs under international law. The responsibilities resulting from the evolution of PSOs are difficult to ascertain, but an understanding of the legal context can help to navigate it.

Literature and Legal Arguments

Evolving norms concerning human rights in peace operations have prompted a considerable body of legal research. This focuses primarily on the rights and obligations of peace operations to address human rights violations in the areas of their deployment (Larsen, 2012; Verdirame, 2011; Dannenbaum, 2010; Murphy and Månsson, 2006; Howland, 2006; Heintze, 2004; Clapham, 2006; Kondoch, 2005; Katayanagi, 2002; Cerone, 2006; Foley, 2017). But IHRL is only one of a number of legal sources of that govern question of protection. These include PSO mandates, IHL, and refugee law.[8]

Mandates are the most direct source of law governing a PSO.[9] They provide the 'basis' for deployment and stipulate the breadth and scope of actions undertaken to secure stated objectives, and under what circumstances (United Nations, 2008b, pp. 16-17).

[8]Refugee law warrants mention here but is not explored further in this paper owing to its comparatively narrow scope of application.

[9] Mandates constitute part of every Security Council resolution that authorizes, extend, expands, or reduces the responsibilities and authorities of a PSO. They are the product of an oftentimes intense and controversial political process and, in accordance with Article 25 of the UN Charter, are binding on all member States. Thereby, resolutions—and the mandates contained therein—constitute texts that are both legal and political in nature.

Whether an operation is authorized under Chapter VI or Chapter VII[10] indicates the degree to which PSOs can utilise coercive measures—particularly the use of force. To that end, they inform the rules of engagement that govern troops, if and when participation in hostilities is required (Findlay, 2002, pp. 7-9). Mandates may be specific in these measures, authorizing 'all means necessary' without qualification or they may be limiting. Ambiguity has been a hallmark of Security Council resolutions, emphasizing the need to look beyond—without overlooking—the mandate to understand the full spectrum of legal obligations that PSOs maintain over the course of their deployment.

Implementation of international law in the field varies according to the facts on the ground. For instance, IHL only governs PSOs under limited circumstances: when, and for the duration of their participation in hostilities. Yet the application of IHL is more thoroughly addressed by the UN than IHRL. Foley (2017) problematises this lack of formal direction on the application of human rights law, noting in particular the lack of Secretary General's bulletin on the matter.[11] The primary source of objection to this lack of guidance is that IHRL often provides a wider range of protections and under a majority of circumstances. He

[10] I do not put forth any argument or opinion concerning the classification of mandates as 'Chapter VI ½' or 'Chapter VII ½', as various individuals have proposed (UNIS, 2008; Karlsrud, 2018). Rather, I engage with legal arguments concerning the ability of PSOs to protect, and their adherence to different branches and sources of international law. Categorization is less important than text and alignment with legal frameworks.

[11] An SG bulletin is a document circulated to relevant parties and published—not all pertain to PSOs. In the case of PSOs, the bulletins outline changes are clarifications concerning the conduct of personnel or changes in policy that should influence the execution of operations (ST/SGB/1997/1). The Secretary General's 1999 ***Observance by United Nations forces of international humanitarian law*** **articulates '**fundamental principles and rules of international humanitarian law applicable to United Nations forces conducting operations under United Nations command and control' (ST/SGB/1999/13).

expounds on this point by drawing attention to the lack of 'positive' obligations articulated in IHL,[12] explaining that, in contrast to that privileged body of law [IHL]

> the UN now appears to accept that it has a positive obligation to take reasonable measures, within its capabilities, to protect the lives of civilians sheltering on its mission bases, at least as a matter of policy if not law (2017, p. 334).

He argues that human rights obligations—whether based in policy or law—warrant equally rigorous guidance. Because PSOs have a different relationship to IHL than non-PSO hostile parties, it is crucial to recognize what and when their obligations under the two bodies of law apply.

Theory, frameworks, and instruments

This section provides an overview of the development of IHL and IHRL, their instruments, overlaps, and how they differ. I first offer a summary of the legal arguments concerning their application and co-application in the field and the respective obligations under them. Figure 2 illustrates the relationship between the two bodies and provides a reference for social scientists to determine the best way to frame their research within the law.

[12] That is not to say that the operations do not also have negative obligations under IHRL. Sheeran (2011, p. 84) explains that 'it could not be that the United Nations, in carrying out its peacekeeping activities, was permitted to torture and arbitrarily execute civilians'. Still, their records of adherence to these, particularly in the case of sexual abuse, are discouraging.

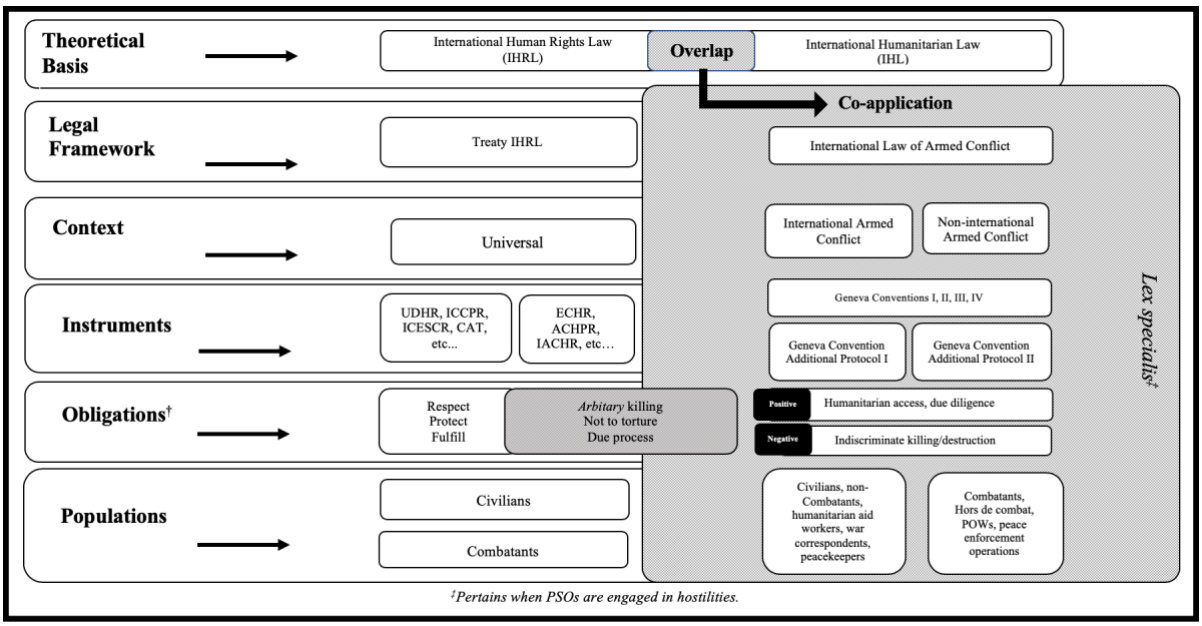

Figure 2 A framework for situating political human rights research in law

Theoretical Basis

The origins of human rights invite controversy. Some believe the concept was borne of the UDHR, and distinct from 'natural laws' and other philosophical propositions addressing the innate rights of human beings. Their reflection in law has been stratified, with some empires and kingdoms enacting various rights at different points over time.[13] Modern IHRL took a similar view that such rights were to be upheld and respected by the State, but in more recent years have expanded the scope of plausible guarantors to include non-state actors (Murray, 2016a; Clapham, 2006; Katayanagi, 2002; Reinisch, 2005). The fundamental principles of human rights according to contemporary norms include, among

[13] Citing the nearly four thousand year old Code of Hammurabi, the oldest document establishing rule of law, declarations by Cyrus the Great, assuring religious freedom and abolishing slavery in Persia over 2,500 years ago, and King Ashoka's stated commitment to provide 'for the health and education of his people, and appoint[ment of] officials to prevent wrongful punishments' dating back to the second century BCE, Freeman (2011, pp. 15-36) offers an excellent overview of the antiquity of human rights.

others, their universality and innate nature. That is, everyone has them, and they do so by virtue of being human.

IHL also has a long history, existing in various degrees of formality for thousands of years.[14] However, its applicability is limited to times of armed hostilities, and is premised on the belief that certain rules should govern the conduct of war.[15] Rather than 'rights' being prescribed under the law, IHL assigns responsibilities to combatants for those in their control. The responsibilities to individuals differ according to their status in the conflict. Much this concerns the treatment of troops in enemy hands or control, but there is also considerable law surrounding that of civilians. The Fourth Geneva Convention and Protocols I and II lay out the obligations of combatants for the protection of civilians,[16] both broadly and in the context of international and non-international armed conflict.

To the extent that both bodies of law to safeguard individuals from violence and neglect, there are many instances of overlap. But they also differ in important ways.

[14] References to 'the necessity of war to have a just cause, for clear rituals to be undergone in the commencement and conclusion of war, and for the right of neutrality and certain constraints to be observed in the conduct of war' date back at least to the ancient Greeks and Romans (Armstrong et al., 2012, p. 44). The *Laws of Manu*, compiled nearly two thousand years ago, restrict the use of certain weapons in war—a key aspect of the contemporary humanitarian law (Manu and Bühler, 1993). Medieval codes of chivalry also mark a certain degree of regulation concerning soldiers conduct during hostilities (Lowe, 2007, p. 282; Meron, 1998).

[15] The Geneva Conventions and Protocols I and II address conduct with respect to the victims of war. For the conduct of war in other respects, see The Hague Conventions of 1899 and 1907.

[16] For purposes of educating 'armed and security forces' in the field—and therefore the definition with which combatants are most likely familiar--the ICRC defines 'civilians' as 'any person who does not belong to the armed forces and does not take part in a *levée en masse*', with *levée en masse* defined as 'inhabitants of a territory which has not been occupied, who on the approach of the enemy spontaneously take up arms to resist the invading troops without having had time to organize themselves into regular armed forces' (ICRC, n.d.-a). This is consistent with The Third Geneva Convention's definition under Article 4(A)(6).

Humanitarian law, strictly speaking, does not actually acknowledge civilians as bearers of 'rights'; but governs the treatment of combatants towards them. As such, IHL deters behaviours that might be counter-indicated by the existence of 'rights,' but it does not acknowledge civilians' ownership of them. In contrast, human rights law bestows rights on all people, and directs that those rights cannot not be violated.[17] However, there is some general consensus that at least certain elements of IHRL are applicable during the conduct of hostilities without conflicting with IHL. These include, among others, the 'right to education', the 'right to food', the 'right to water' (Heintze, 2004, pp. 559-60).[18]

Legal frameworks: co-application of IHL and IHRL

Several approaches have been put forward to guide this interaction and application of IHL and IHRL, but none without their critics. Among the most widely touted proposition for addressing the issue is the application of IHL as *lex specialis* in situations of conflict. Hampson (2008, p. 558) points out that the term *lex specialis* is abridged from the original *lex specialis derogat legi generali* and suggests that it is in the full expression that the challenge of interpretation is revealed. Translated from its original Latin, the phrase means 'the more specific law has precedence over the more general law.' She suggests that implementing *lex specialis* could take several forms, depending on one's interpretation of the expression—particularly of the term 'precedence' (2008, p. 561).

[17] The exception to this is 'derogable' rights, which *can* be violated when necessary to the survival of the state. Provisions exist in international human rights law (UNGA, 1966a, Article 4) and regional human rights treaties such as the European Convention on Human Rights and the American Convention on Human Rights (ECtHR, 1950, Article 15; OAS, 1969, Article 27).

[18] Consistent with IHRL, these rights are guaranteed, and State's obligations only hold to the degree that a State is capable of fulfilling them (UNGA, 1966b, Article 2). By extension, in conflict situations, provisions also pertain to non-State actors that control territories inhabited by civilians (Murray, 2016a; Clapham, 2006).

Most extreme and widely contested in contemporary debates, is the position that the more specific body of law (IHL) *replaces* the less specific (IHRL). This would mean that IHRL ceases to apply once a conflict has begun. While not widely subscribed to, there are notable advocates of this position. For instance, Dennis holds that international human rights treaties only apply to a state's armed forces within its own territory, even during occupation of another (Dennis, 2007). This interpretation holds less traction than others, particularly in light of the International Court of Justice's (ICJ) decision that IHL has *primacy* in times of conflict, but does not *replace* IHRL (Heintze, 2004, pp. 559-61; ICJ, 8 July 1996, para. 25).

The second interpretation has far more support, but its implementation is not without obstacles. It contends that 'IHL prevails where it contains an express provision which addresses a similar field to that of a human rights norm' (Heintze, 2004, p. 560). Heintze favours this interpretation of *lex specialis*. He cites, in part, the Human Rights Committee's conclusion that '…both spheres of law are complementary, not mutually exclusive,'[19] and goes on to explain

> [t]he *lex specialis* character of international humanitarian law is nevertheless essential. In certain circumstances human rights law cannot be considered; for example a combatant who, within the scope of a lawful act during an armed conflict, kills an enemy combatant cannot, according to *jus in bello*, be charged with a criminal offence (2004, p. 797).

He further points to the Martens Clause[20], which 'confirms that the rules of the laws pertaining to armed conflicts cannot be regarded as the final regulation of the protection of

[19] Here Heintze refers to UN Doc. CCPR/C/74/CPR.4/Rev.6.

[20] The Martens Clause states '[u]ntil a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and

human beings, but can be supplemented with human rights law protection' (2004, p. 797). The application of the Martens Clause favours IHL as *lex specialis* in the context of armed conflict, without replacing IHRL.

This is a sensible and intuitive solution in most respects. For instance, under IHRL, civilian deaths in the form of collateral damage could constitute a violation of the right not to be killed arbitrarily. After all, the very nature of 'arbitrariness' is premised on randomness. Similarly, 'collateral damage' is characterized by unintentional or incidental death. Arguably, if IHRL alone governed such acts, collateral damage might constitute a violation of IHRL. However, using *lex specialis*, IHL would prevail by overriding the otherwise 'arbitrariness' of the death. This nullifies the criminal aspect of the killing, assuming due diligence was taken to prevent it without sacrificing legal military strategy.

Hampson articulates two challenges for implementing this interpretation. First, there are human rights that have no counterpart in IHL, despite their enjoyment being impacted by the existence of a conflict. Hampson cites freedom of expression and the right to demonstrate as two of these. Is unbridled freedom to demonstrate protected in times of war, even if it compromises legitimate military strategy? This is unclear, even using a *lex specialis* approach to the implementation of IHL. And second posed is whether the application of IHRL should be confined to treaty or should also include customary human rights law. Hampson emphasizes the importance of this decision, stressing that little treaty law exists concerning the 'most prevalent—the non-international—type of conflict' (2008, p. 560).

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belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience'

To this last point, another argument put forth is that IHRL has in fact become *lex specialis*, in the context of internal armed conflicts. Chevalier-Watts (2010) specifically looks at the application of IHRL by the European Court of Human Rights (ECHR), and therefore in context of regional treaty law. She suggests that the ECHR's willingness to hear and rule a case concerning human rights in armed conflict indicates a shift towards the *prima facie* application of IHL, and the *lex specialis* application of IHRL. This is significant in light of the limited IHL applicable to internal conflicts. Chevalier-Watts cites the ECHR's feeling 'itself able to scrutinise such situations "at least so long as they occur within the state or territories under its effective control"'. She also invokes Rowe's position that 'although the European Convention on Human Rights refers to armed forces only once, it is profoundly influential in the way in which it influences the limitation of the use of force by the military and by the police in order to protect fundamental human rights' (2010, pp. 587-8; Rowe, 2001). This position has limited credibility to application in non-international armed conflict, and is, as of yet only an emergent stance. The position nevertheless exists, and the relevant ECHR cases offer compelling examples of a potential shift.

Owing to the widespread acceptance of the second interpretation, the rest of the paper is framed in a way that recognizes IHL, rather than IHRL, as *lex specialis*. It does not, however, discourage empirical researchers from framing their research in one of the alternative lights, but does advocate that they be explicit about their choice, and recognize the relevant nuance it entails.

Legal framework for PSOs

PSOs are of a different category than other actors engaged in the conflict. This is largely due to the limited scope of their engagement in combat, should they do so at all. Until 1999, the specifics of PSOs legal obligations were unspecified. It was generally believed that, as representatives of the international community PSOs were immune from attack and

any violation of this crime constituted a war crime. Article 8(b)(iii) of the Rome Statute states that

> Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

But in the course of responding to a violent incident in Mali, one of MINUSMA's Egyptian 'blue helmets' was killed in a roadside bombing, and four others injured. UN Secretary General Antonio Guterres was ambiguous in his assessment of the criminal liability of the assailants. His repeated statement that 'targeting United Nations peacekeepers may constitute war crimes under international law' offered little clarity (Omondi, 2019). Khalil (2018) explains that '[t]he changing nature, intensity, scale and duration of UN military actions may also trigger the loss of protected status'.

PSOs nevertheless have a different role in conflict than [other] hostile parties. Force is sanctioned for, among other things, the protection of civilians. And yet the bulletin does not recognize this as sufficient to extend the legal protections afforded to them. Further, in the context of PSOs, 'protection of civilians' constitutes a complex set of responsibilities. 'Protection' is not just a question of adherence to the negative obligations of the Fourth Geneva Convention. Owing to the Charter, s a distinct connection to IHRL can be assumed. This includes respect of human rights not only towards civilians, but of all they encounter when not engaged in combat. This results in inconsistencies regarding the law they are bound by and that which they are subject to when not engaged, for ulike combatants, who, by virtue of their military status, are bound by IHL for the duration of the conflict, PSOs are only

governed by the *lex specialis* application of IHL whilst engaged in combat themselves. This is explicit in the Secretary General's Bulletin on the *Observance by United Nations forces of International Humanitarian Law*:

> The fundamental principles and rules of international humanitarian law…are applicable to United Nations forces when in situations of armed conflict they are actively engaged therein as combatants, *to the extent and for the duration of their engagement* (ST/SGB/1999/13, Section I (1.1)).

For instance, a Protection of Civilians (POC) PSO could theoretically use force to prevent an attack on civilians so long its methods are proportional to the threat posed and risks involved and due diligence done to minimize harm. Under such circumstances, loss of civilian life would not constitute *arbitrary* killing.[21] When not engaged in conflict such killing by PSOs constitute human rights violations, regardless of the combatant status of the deceased. Returning to Tull's (2009) concerns, this raises questions concerning implementation of terms of the mandate—such as 'seizing and collecting arms' or 'securing human rights' constitutes engagement in the conflict, or whether 'collateral damage' under IHL would, in the context of PSOs, constitutes a human rights violation.[22]

[21] Importantly, for the direct participation in hostilities (DPH) PSOs lose their civilian status and are and are subject to different protections under IHL. However, upon cessation of hostilities PSOs resume their civilian status protected by the appropriate IHL and IHRL instruments. This is consistent with Pacholoska's articulation of the *temporal requirement* of DPH, which asserts that a peacekeeper's 'loss of protection extents only 'for such time' as the civilian directly participates in hostilities' (2015, p. 56).

[22] These situations are rare but not implausible.

A further obstacle encountered is determining whether a conflict is international or non-international in nature once an international, or multi-national force, is engaged. Given that IHL treats the two differently in some respects, as discussed above, this is an important question. The next section discusses the sources of law that researchers can draw on to make and justify the legal framework in which they determine their study to be best placed.

Legal Instruments

While there is no explicit 'Law of Peacekeeping' in the way that there is a 'Law of Armed Conflict', a comprehensive legal framework nevertheless exists, consisting in a number of relevant legal instruments. Murray (2016b, pp. 260-1) provides a list of the sources of law that shape the legal framework in which PSOs operate:

- The United Nations Charter;
- Relevant resolutions of the United Nations Security Councile establishing the PSO and defining the mandate of the PSO force;
- agreements between the United Nations and the host State(s) and, subject to those, the law of the host State(s);
- agreements between the United Nations and troop-contributing States;
- the United Nations Convention on the Safety of the United Nations and Associated Personnel (1994);
- the United Nations Peacekeeping Operations Principles and Guildelines, 2008;
- the Convention on the Privileges and Immunities of the United Nations, 1946; and
- Secretary-General's Bulletin on the Observance by United Nations forces and of international humanitarian law, 1999.

The 2005 World Summit Outcomes, paragraphs 138-140 on the Responsibility to Protect can equally be recognized as part of the relevant framework.23 In addition to these instruments, Murray points out that the 'general obligations of international law, and any international agreements to which the United Nations is a party' are also part of it. Further, while deployed, soldiers of troop-contributing countries of whom the PSO is comprised are bound by their own national and customary law (Murray, 2016b, p. 261).

Normative framework

Human rights *norms*, as opposed to *law*, also influence the degree to which human rights are incorporated into mandates and how they are interpreted. Contemporary PSO resolutions often invoke thematic and norm-setting resolutions in framing the intent of the corresponding mandate. These include resolutions setting out expectations for the treatment of vulnerable populations in conflict, and respect for their rights. In Resolution 1261 (1999), the Security Council invokes both IHL and IHRL in its demands that parties respect the rights of children, calling on

> all parties concerned to comply strictly with their obligations under international law, in particular the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977 and the United Nations Convention on the Rights of the Child of 1989…

[23] R2P and POC are often falsely aggregated. While they share roots in the need for protection, they set out different thresholds and serve different functions. For a disentanglement of the two see Popovski, V. (2011) 'Siblings, but not twins: POC and R2P'. For more on the Responsibility to Protect see ICISS (2001) *The responsibility to protect: report of the International Commission on Intervention and State Sovereignty.*

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Without explicitly laying out obligations to children in the mandate, by incorporating the Convention on the Rights of the Child, the Security Council frames the subsequent mandate as, in part, resulting from international concerns surrounding children's rights.

Among the most noteworthy thematic resolutions is Resolution 1325 (2000). In addition to promoting women's participation and inclusion in the peace process and subsequent agreements, the resolution addresses the protection of women in armed conflict and post-conflict stages. Resolution 1325 reaffirmed

> the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts…

Subsequent resolutions invoke such thematic resolutions and 'recall' these normative documents in the framing and ambitions of PSOs. The scope of populations and rights covered by such normative resolutions has only increased. Among others, these include the human rights and humanitarian protections afforded to journalists (S/RES/1738 (2006); S/RES/2222 (2015)), humanitarian personnel (S/RES/2175 (2014); S/RES/2286 (2016)), and UN personnel and facilities (S/RES/1502 (2003)).

The Council passed its first 'thematic' resolution on the protection of civilians in armed conflict in 1999. Resolution 1265 (1999) cites multiple branches of international law as crucial elements of civilian protection, and urges

> all parties concerned to comply strictly with their obligations under international humanitarian, human rights and refugee law…

More 'thematic' resolutions on protection of civilians have been forthcoming. These address a variety of issues relevant to civilian protection and make regular reference to human rights law and obligations. Their reference in subsequent PSO resolutions and mandates reinforces the normative human rights framework that surrounds PSO work. This supplements gaps in

explicit instruction, and in some cases makes direct reference to the application of law to PSOs. Resolution 1647 (2006) thematically addresses protection of civilians, but in the context of the trade in illicit arms. It plainly

> [r]eaffirms that, where appropriate, United Nations peacekeeping and other relevant missions should provide for the dissemination of information about international humanitarian, human rights and refugee law and the application of relevant Security Council resolutions.

In doing so, another layer of responsibility for human rights is assigned to PSOs: informing actors and civilians of their rights, protections, and obligations under both branches of law.

Ten years following the first POC mandate, the Security Council passed Resolution 1894 (2009), reinforcing the power of PSOs to secure civilian protection as set out under IHL and IHRL:

> [The Security Council]
>
> Noting that United Nations peacekeeping missions constitute one of several means at the United Nations' disposal to protect civilians in situations of armed conflict, …
>
> 3. Notes that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and reaffirms in this regard its readiness to consider such situations and, where necessary, to adopt appropriate steps;
>
> 4. Reiterates its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately

> obstructed, including through the consideration of appropriate measures at the Security Council's disposal in accordance with the Charter of the United Nations;

Other aspects of the normative framework include the invocation of past PSO experiences, their shortcomings—and abject failures. These may take a 'lessons learned' approach and renew commitment to protections. Marking the twenty years since the genocide in Rwanda, the Security Council passed Resolution 2150 (2014), calling

> upon States to recommit to prevent and fight against genocide, and other serious crimes under international law, reaffirms … the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and underscores the importance of taking into account lessons learned from the 1994 Genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed;

While not explicit, contained together in a single resolution, these declarations suggest that protecting human rights and preventing violations of humanitarian law are within the remit of PSOs. The Security Council resolutions cited above demonstrate that the two bodies of law are largely accepted as part of the general legal framework in which PSOs are authorized and operate.

Resolutions of the General Assembly also substantiate the emergent protective norms. While not legally binding, its resolutions reflect the interests and commitments of all member States. In that respect, they are representative of the international culture surrounding the protection of civilians. The General Assembly passed such resolutions as Resolution A/73/L.61 (2018) , titled 'Safety and security of humanitarian personnel and protection of United Nations personnel', the 1974 Resolution 3318 (XXIX) titled, the 'Declaration on the Protection of Women and Children in Emergency and Armed Conflict',

and the World Summit Outcomes document containing the 'Responsibility to Protect' text (A/RES/60/1 (2005), paras. 138-9).[24] The General Assembly documents are seldom invoked in the legally binding Council resolutions, but nevertheless shape the international environment in which those resolutions are drafted, interpreted, and implemented.

Human rights norms have evolved significantly since the earliest operations. They are more prominent in the international security discourse and now permeate other bodies of law.[25] Understanding these changes and their implications is crucial for contextualizing the PSO policy and practice as it continues to evolve.

Discerning obligations

The evolution of the founding principles of peacekeeping, the increasing prevalence of protective norms, and the responsibilities of PSOs as representatives of the UN culminate in *erga omnes*[26] obligations under IHRL – and, where applicable, supplemented by those under IHL. In the previous sections I discussed the theoretical differences between the applications of IHL and IHRL. But what makes them different in practice? And do these difference matter in the case of empirical research. Below I demonstrate that beyond the theoretical and semantic differences there is substantive – but not total – overlap.

The Geneva Convention IV and Protocols I and II lay out obligations to civilians that apply to PSOs only when the PSOs are engaged in combat.[27] The *authority* to use force is

[24] The Security Council adopted paragraphs 138-9 'regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity' (S/RES/1674 (2006), Article 4).

[25] See Çalı et al. (2017) for case law and analysis of the permeation of IHRL into international public law including investment, humanitarian, criminal, trade, and environmental law bodies.

[26] '*Erga omnes'* refers to universal applicability. In this case, PSO obligations pertain to all.

[27] At these times they are equally bound by the other Geneva Conventions with respect to their treatment of soldiers, those rendered *hors de combat*, and other protected persons.

not sufficient grounds for classifying a PSO as a 'party' to the conflict. Ferraro (2013, p. 565) explains

While it is true that peace forces deployed under Chapter VII are more likely to resort to force than those acting under Chapter VI, this is not necessarily always the case; a Chapter VII resolution does not per se turn the multinational forces in question into a party to an armed conflict...rather than focusing on whether the nature of the mission comes under Chapter VI or Chapter VII, an analysis must be made of the actual circumstances prevailing on the ground

As such, IHL does not categorically apply to Chapter VII operations. Nor does it necessary 'not apply' to Chapter VI operations. The application of IHL as *lex specialis* in the case of PSOs is restricted to the duration of actual engagement in combat. It is specific to, and dependent on, the facts on the ground as they unfold. Except under these circumstances, IHRL applies to its full extent. When IHL does go into effect, IHRL is adjusted in light of the extraordinary circumstances that conflict entails. As discussed above, for the purposes of this paper I use IHL as *lex specialis*. I compare the obligations articulated in the Convention and Protocols to the rights protected under IHRL.

The Fourth Geneva Convention stipulates the following negative obligations, which are pertinent to PSOs only for the duration of their engagement in hostilities. Consistent with any other troops party to the conflict, during combat PSOs cannot

- Coerce physically or morally (Article 31)
- Employ methods of corporal punishment (Article 32)
- Torture (Article 32)
- Pursue extermination of protected population (Article 32)
- Employ any other measures of brutality whether applied by civilian or military agents' (Article 32)

- Punish individuals for offences they did not personally commit (Article 33)
- Use collective punishment (Article 33)
- Measures of intimidation or terrorism (Article 33)
- Pillage (Article 33)
- Conduct 'reprisals against protected persons and their property' (Article 33), or
- Take hostages (Article 34).

But, do they have positive obligations to secure other rights with a more ambiguous relationship to IHL? Many of the human rights specified in the UDHR, the ICCPR, and the ICESCR are not so obviously covered. These include rights to

- Family and personal life (Article 12)[28]
- Freedom of thought, conscience, religion, and the right to expression and manifestation of them (UDHR, Articles 18 and 19)[29]
- Participation in government (UDHR, Article 21)
- Social security (UDHR, Article 22)
- Leisure (Article 24); and
- Education (Article 26)[30]

[28] These rights are addressed, but not guaranteed, and only in the context of interned civilians and interned families.

[29] While Article 86 does require that hostile parties ensure that interned civilians have 'premises suitable for the holding of their religious services' at their disposal, other positive rights are not ensured.

[30] Geneva Convention IV protects civilian objects—which include schools and stipulate that children's education should continue if and while children are held in internment. The Protocols stipulate that children's education continue in a manner consistent with the wishes of parents if and when children are evacuated. To the exclusion of these two situations, there are no explicit provisions to ensure that education is not disrupted.

In these cases, where further clarity might be needed, decisions concerning human rights obligations defer to the Charter, which is explicit in its emphasis on human rights as foundational to the 'purposes and principles' of the UN (Hossain, 2005, p. 98). It is also generally accepted that PSOs are subject to *jus cogens* and customary international law (Foley, 2017, pp. 333-334). Only through the recognition of inconsistencies and overlap in the two bodies of law can researchers adequately assess cases of violation that constitute a failure of an operation—that is, the non-fulfilment of a role an operation was expected, within the scope of the law, to affect.

Existing empirical research, gaps, and opportunities for research

Establishing research within a particular legal apparatus—including the parameters of co-application—is important for framing both questions and findings. Failing to be clear about the guiding legal framework could result in misleading conclusions regarding the success or failure of a mission—particularly the problematic conflation of a PSO's lack of authority to act with a failure to do so. This section reflects on the few instances in which empiricists have inquired into the human rights aspects of PSOs and identifies important gaps. It then helps to guide researchers in making appropriate decisions regarding the framing of their subject, selecting relevant variables, and incorporating controls as necessary.

Existing literature

Though empirical human rights research lags behind the legal scholarship, some does exist. As a consequence, scholarship on civilian protection is also growing, but empirical research progresses out of step. The lag is problematic as human rights law is increasingly central to PSOs' conduct in the field. The failure of empiricists to follow suit in this area limits the scope of its influence. In this section I look at the extant research in this field and

expose that while legalistically, IHL is typically understood as the *lex specialis*,[31] empirical literature—however unintentionally—privileges it, to the overwhelming exclusion of human rights law.

One exception to the dominant use of IHL in empirical studies is Murdie and Davis (2010). Their research diverges from the prevalent and narrow approach to protection by providing the first explicit quantitative study of the impact of PSOs on human rights. They arrive at an important conclusion: the taxonomic designation of PSOs matters. That is, a PSO categorized as 'humanitarian' is associated with human rights protection, and lack thereof with elevated instances of abuse. Actual protections may be a function of added resources or more permissive ROEs, but whatever the direct source of protection, their finding shows that the language and discourse surrounding a PSO's objectives influences whatever material, legal, or philosophical provisions that protect human rights.

However, the complexity of rights are shortchanged in the limitations of Murdie and Davis' (2010) data. Their study only includes physical integrity and empowerment rights, focusing exclusively on violations articulated in the *International Covenant on Civil and Political Rights (ICCPR)*, and neglect those laid out in the *International Covenant on Economic, Social, and Cultural Rights (ICESCR)*. Though groundbraking in the direction their research takes, even the human rights variables that are used are crude—arguably too crude to estimate the true extent of PSOs' influence.[32] To that end, studying IHRL requires additional variables, as the violations and target populations differ.

[31] Again, IHL as *lex specialis* only applies to PSOs during, and for the duration of PSOs' actual engagement in combat. IHRL is the *de facto* body of law governing PSOs (ST/SGB/1997/1).

[32] For a debate on the utility and relevance of the datasets used in this study, see Gordon and Berkovitch (2016), Landman (2016), Clay (2016), and Saez (2017).

Still, that Murdie and Davis (2010) go beyond fatality data in their study is innovative. This is evident in the two casualty figures that are ubiquitous in the study of PSOs. First, battle-related violence (BRV), either aggregated or divided by side of the conflict, is frequently used in PSO research. It is legal under humanitarian law. Its usage in political studies as a dependent variable assesses progress in reducing lethal violence that is endemic to war, but not unlawful.

One-sided violence (OSV) is also indicative of violations of IHL, though it does accommodate aspects of human rights law. However, it does not reflect the net violation of the human 'right to life,' but is limited to targeted violence against civilians: it refers only to intentional killings of civilians in the context of war. This despite the fact that most civilian deaths in conflict are not a product of targeting. The exclusivity of concentration on OSV limits examinations to violations of IHL, failing to examine the multitude of IHRL violations that pervade populations during armed conflict. This is a significant omission in existing research because while civilians die from targeted violence, indiscriminate attacks, and in the cross-fires; disease and hunger claim far more lives (Geneva Declaration Secretariat, 2008, pp. 31-48). In most cases, these deaths are considered incidental not violations of IHL.[33] IHL makes scant mention of economic, cultural, and social rights. While they are alluded to, explicit reference to obligations to ensure access are tempered, such that combatants are prohibited from *interfering* in humanitarian access; PSOs are, in many cases, obligated to *ensure* it. This speaks to the differences between the obligations of soldiers

[33] Siege warfare is an exception. Rule 53 of Customary IHL makes clear that deliberate starvation of a civilian population is unlawful. Similarly, Rule 55 declares that humanitarian access should be inhibited. However, guarantees are dependent on the humanitarian initiative being 'impartial in character and conducted without any adverse distinction, subject to their right of control'

affiliated with a hostile party and bound by IHL, to that of PSOs, which are governed by mandate within a human rights framework. In contrast, a human rights perspective would undertake to learn about PSOs influence on civilian access to food, water, education, medical attention, freedom of movement, expression and assembly, and various property rights. Despite most civilian deaths occur as a consequence of IHRL violations, and not those of IHL, the latter dominates the literature. The most common causes of civilian deaths are neglected in existing empirical work.

This needn't be the case. Obligations present themselves as obvious benchmarks and dependent variables. They are easily discerned from the relevant legal documents and lend themselves to codification. The events-data corresponding to violations are more difficult to generate, which likely explains some of the latency in addressing human rights in PSO research. Although not comprehensive, the regular reports of the Secretary General in many cases document individual cases of violation of both types of law. This may not equip researchers with sufficient information for large-N studies, but it lends itself for smaller—or more concentrated—studies. Their utility should not be underestimated.

Framing political inquiry

Specifying a legal architecture in empirical research means that the protections investigated must be understood within the parameters of the relevant law. Whether a researcher is more or less discerning about what framework he or she applies will have tremendous impact on results produced and conclusions drawn. Framing PSO research in law is challenging, uncertain, and often highly subjective. But a political researcher's argument concerning which body or bodies of law best apply is, to a certain extent, arguably less important than his or her understanding of what each entails, and their rigorous and consistent application of those chosen criteria.

An example is instructive here. In 2018, Jama'a Nusrat ul-Islam wa al-Muslimin (JNIM) released video footage of two hostages taken in connection with the ongoing civil conflict in Mali and is believed linked to six similar incidents (n.a., 2018). This occurred despite Mali hosting one of the largest PSOs in the world. In 2016, when one of the two hostages was taken from the country's northeast, MINUSMA had fourteen outposts across the country – including in that region. How the situation is framed in the context of law will influence how the violations are articulated and enumerated. This will have important consequences for the assessment of the observed violations observed.

First, if Dennis' (2007) perspective is taken, researchers will frame the taking of hostages exclusively within the architecture of IHL. They will recognize that the incidents occurred in the context of a non-international armed conflict and defer to the relevant Geneva Convention and customary IHL. The researcher will find that prohibition of hostage-taking is a norm of customary IHL in both international and non-international armed conflict under Article 34 of the Fourth Geneva Convention and Rule 96 of Customary IHL. In determining appropriate variables, the researcher may choose to control for the fact of a non-international armed conflict using a dummy variable and use the two instances as events data for the dependent variable. Questions surrounding the role of PSO proximity to the incidents, capacities, competencies, and mandates may also be considered, depending on the question posed.

Does the decision to use IHL produce results that differ markedly from those arising from a study framed in terms of IHRL? Although there is no specific human rights law addressing hostage-taking, the 2013 report released by Office of the High Commissioner for Human Rights (OHCHR) on *Human rights and issues related to terrorist hostage-taking*

lays out the international law pertinent to its human rights implications.[34] The report cites Articles 3-28 of the Universal Declaration of Human Rights (UDHR) as those at risk in instances of terrorist hostage-taking (A/HRC/AC/10/2 (2013), Article 24, fn 49).[35] According to the report, these include violations of civil, political, economic, social, and cultural rights. Similar control and independent variables could be used in the study using the IHL framework, but the difference in the outcome produced would be stark.

The result of the choice to study the impact of PSOs on civilian protection when hostages have been taken will depend on the selected body of law. In a single violation of IHL, researchers observe as many as twenty-five of the twenty-eight possible human rights violations. Ensuring that the dependent variable reflects the framework presented in the paper is crucial for ensuring that the research is consistent with practice in the field and relevant to decision-makers. Further, there is nothing stopping a researcher from applying both, either individually in studies, or as coapplied—though care should be taken to avoid double counting violations where relevant. In any event, in studying protection, the researcher should be clear about these decisions. This requires an understanding of the legal architectures and conceptualizations of what 'protection' entails in each. Political scientists are equipped to undertake this work.

[34] Terrorism is distinct from legal armed conflict, but there is nothing about hostage taking in the specific case of terrorism that would diminish relevance of the human rights parallels proffered by the OHCHR in their report.

[35] Of course, it is not certain that all of the rights listed are violated in every case, and so, particularly in context of IHRL, rigorous contextual research is necessary.

Conclusions

In this paper I argued that human rights are an important element of peacekeeping from authorization and through to their legacy in post-conflict societies. As demonstrated throughout this paper, while PSOs do not have a long history, their evolution has been substantial. Legal scholars have been quick to interrogate and unpack these developments. Researchers in political science have been less keen. But, in order for political research to meet the demands of, and maintain relevance to, the policy-making and operational spheres, it must evolve in tandem. This means diplomats, legal scholars, and empiricists should share changes and needs in their respective fields. Presently, the necessary channels of communication are weak, and interdisciplinary research is in short supply. This is indicative of institutional and paradigmatic flaws, but they are not insurmountable.

Finally, in this paper I have provided a historical overview of United Nations PSOs, engaged the basic legal arguments surrounding the relevant bodies of laws in the context of civilian protection, and offered an example about the shape and process that legally-sensitive political scholarship might take in the future. This will constitute a shift in the way political sciences think about 'protection' and the emergence and compilation of data unavailable as of yet. It will take time to be fully realized, but the implications will be lasting. Ultimately, it will inform better policy and foster much needed cooperation between those in the diplomatic, legal, and academic fields.

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Paper 2: Mandate Matters: An examination of the impact of a ‘protective’ mandate designation on civilian casualties in African civil wars 1991-2008

Introduction

UN peace operations have a patchy history with civilian protection. There have been successes in Sierra Leone and Liberia (Bernath and Nyce, 2002; UNDPKO, 2018b), but also unambiguous failures in Rwanda and the Balkans (Polman, 2004; Barnett, 2002). The butchery of civilians in these latter conflicts culminated in a crisis of credibility for the UN. Consequently, in 1999, Secretary General Kofi Annan called for better protection of civilians (POC) in armed conflict (S/1999/957, 1999). One of the suggested tools to combat violence against civilians was the introduction of an enforcement mandate in cases of widespread violations of human rights and humanitarian law:

> In addition to the application of legal measures, the Security Council can promote the protection of civilians in conflict both by political and diplomatic measures as well as by peacekeeping or enforcement measures under Chapters VI, VII or VIII of the Charter (S/1999/957, 1999).

Increasingly, protection of civilians has become part of peacekeeping mandates and accordingly, a relevant criterion for assessing an operation's success. Importantly, Hultman et al. (2013) show that troop size is a key component of civilian protection in civil conflict. But mandate is noticeably absent from their discussion and the models they present. Instead, mandate is relegated to a footnote and supplementary material. The authors suggest that personnel sizes captures the influence of resources and mandate (Hultman et al., 2013). Personnel are resources, so the first conjecture is substantiated. The second has not been demonstrated empirically. Do mandates matter for civilian protection?

Lawyers and UN policy makers believe it does. In 1999, UN Secretary General Kofi Annan responded to the Security Council's appeal for a report 'containing concrete recommendations to the Council…on ways the Council, acting within its sphere of

responsibility, could improve the physical and legal protection of civilians in situations of armed (S/PRST/1999/6). The report suggested that limitations to success in this area were two-fold: material capacity and 'insufficiently clear' mandates. The mandate for the next peace operation clarified the Security Council's position that protection of civilians should be a function of UN operations. This Resolution 1270 asserted that the United Nations Assistance Mission to Sierra Leone (UNAMSIL) 'acting under Chapter VII…may take the necessary action…to afford protection to civilians under imminent threat of physical violence' (S/RES/1270 (1999)). This marked the first explicit shift in the UN's tackling of civilian targeting in conflict. Since the passage of Resolution 1270, POC clauses have been a staple of UN peace operations. Nearly every authorized mission now includes some POC component. However, the 'authority' is recognizably inconsistent with resources allocated, and the results have been inconsistent.

There are several plausible explanations for this. One is the 'yawning gap' in UN peace operations, between what is needed and what materializes. This might manifest itself in troop shortages or insufficient equipment and armaments (Sieff, 2017; Sherman et al., 2012; UN News Service, 2011).[36] This highlights the difference between magnitude of resources and 'adequacy' thereof. Is troop count a sufficient metric of 'adequacy'? There is cause for doubt, and it is a problem faced when approximating 'mandate' using troop allocations. A sufficient troop count is not the same as a large one. Further, the Brahimi Report only stipulates that

[36] The shortage of helicopters in Darfur is a notorious example. The UN called for donations of 24 helicopters to support the United Nations Assistance Mission in Darfur (UNAMID), a hybrid UN-AU operation, in Sudan. In 2011 only four were forthcoming. Since, China has provided two additional, and promised two further (Dibie, 2017). Assuming these materialize, this particular gap will stand at seventy-five percent. Similarly, as of 2011, MONUSCO in the DRC faces a shortfall of just under forty percent of the required helicopters. (Sherman et al., 2012).

resources need be allocated for protection in mandates that obligate, rather than authorize troops to protect:

> [O]perations given a broad and explicit mandate for civilian protection must be given the specific resources needed to carry out that mandate (Brahimi, 2000).

Particularly in the context of the Brahimi Report, troop-size adequacy is a concept that needs untangling and is a task undertaken herein. While the report stipulates that troop size should be a function of POC mandates, its primary concern is sufficiency and not count. This suggests that the inference of mandate from troop size is not theoretically justifiable, and that a hole exists in the present body of literature. The impact of mandate on civilian protection is neglected empirically. Therefore, the question addressed in this paper is 'does the nature of a mandate influence the protection of civilians in UN peace operations?'

In this paper I make two conjectures. First, if a mandate specifies civilian protection or has robust authorities to act, a decrease in civilian casualties will be observed. Second, it is not simply the right mandate or the right troop size; it is the 'right' troop size *with* the 'right' mandate that dictates success. These hypotheses concern the relationship between policy as drafted by UN bureaucrats in New York, and policy as implemented in the field. Results matter whether they favour the hypotheses proposed in the following section or not. In the remainder of this article I present literature concerning the inclusion of mandate in various models, giving particular attention to those that privilege civilian protection. I then lay out my research design, present my results and analyse them. Finally, I summarize my conclusions and propose areas that lend themselves to further research.

Literature Review

Existing research shows that attribution of an operation's success singularly to troop count is problematic on several fronts. First, models following this line of inquiry tend to treat

troops are identically. In fact, troops differ widely. They are composed of contingents of different nationality, language, incentives, and training. Further, operations as a whole may be more or less homogenous in these areas. Using fractionalization and polarization as proxies for diversity, Bove & Ruggeri (2016) find that diversity in the troop composition of PSOs is associated with fewer civilian casualties than homogenous ones. [37] This holds true when geographical and linguistic differences are taken into account. Goldring & Hendricks' (2018) findings differ, but also warn against treating all troops the same. They do not find support for the claim that diversity improves civilian protection but do show that operations comprised of troops from countries near the conflict region (regardless of the national diversity of their composition) are substantially better at protecting civilians than those from far away. They attribute this to local troops 'understanding societal and cultural norms in the host country', and posit that 'proximate peacekeepers being particularly effective when they are more invested to stop conflict diffusion' (2018, p. 4). Their research substantiates these claims. Although the results of the two studies are somewhat inconsistent, they both point to the attribution of an operation's success to number rather than other factors being a flawed.

While troop number and qualities should not be ignored by empirical researchers, neither should mandate. In fact, policy makers and lawyers make much of their importance, particularly since the authorization of the first POC mandate, and there is general acceptance

[37] Two indices are used to account for 'fractionalization'. The first is the Ethnolinguistic Fractionalization Index, which 'measures the probability that two randomly selected individuals in society will belong to different groups.' They also use the Reynal-Querol (2002) polarization index, which 'capture[s] how far the distribution of the groups is from a bipolar distribution,' such that the index is at its maximum when the groups are of equal size (Bove and Ruggeri, 2016, p. 689).

of the notion that mandates matter for the successful implementation of a variety of tasks (Brahimi, 2000; Nadin, 2014; Gilder, 2018; Johnstone, 2015).

This does not hold true across political science, particularly in the area of civilian protection. Mandates have been studied in a number of ways and to different ends. In conflict literature, views on the importance of mandate vary. Doyle & Sambanis argue that 'simple UN involvement is not enough to strengthen a peaceful transition…(t)he operation's mandate is critical' (Doyle and Sambanis, 2000). Consistent with this observation, quantitative studies commonly disaggregate operations by 'type' (Diehl et al., Feb. 1998; Fortna, 2003; Doyle et al., 2006). Citing Doyle and Sambanis (2006), Hegre et al. (2015) sort mandates into four categories. 'Observer' missions are responsible for monitoring and verifying compliance with ceasefire agreements, maintaining an inter-positional presence along a designated territory, and ensuring troop withdrawal targets are met. 'Traditional' mandates have observational roles, but also include patrolling duties and negotiations. 'Multidimensional peacekeeping' grapples with the economic and social situations that underlie conflicts and aim to address them. This might take the form of economic recovery, security sector reform, and other improvements in government institutions. 'Enforcement' missions are charged with ensuring that peace is secured and maintained. Further, unlike the previous categories, 'enforcement' mandates do not require consent of the parties in order to materialize. These categories are useful in determining the impact of the *presence* of an operation, but they are short on what an operation is charged with accomplishing. Another limitation is the schematic's inability to cope with operations that are both 'multidimensional' and charged with 'enforcement. Most contemporary operations include a combination of the types Doyle and Sambanis propose.

Bratt (1996) also questions what metrics can be used to assess 'success' in peace operations. He proposes four indicators to make such assessments: successful implementation of the mandate, conflict resolution success, success at containing the conflict, and successful

limiting of casualties. Using case studies, Bratt classifies the thirty-nine operations under consideration as 'successful,' 'moderately successful,' or 'failure,' and then from these tables creates an 'overall success' category. He explains that the classification of each operation 'can be determined by examining the stated mandate in Security Council resolutions, and judging whether it was adequately completed' (1996, p. 67). However, lack of detail regarding what aspects were authorized, and which – if any – were successfully accomplished, means little can be gleaned about what success or failure means. All that can be determined from Bratt's 'results' tables is that each operation had a mandate, against which performance can be compared. Rather than demonstrating what peace operations did 'successfully', Bratt only divulges that just over half successfully fulfilled their mandates – without reference to what doing so entailed (Bratt, 1996; Heldt, 2002). Particularly in the context of today's mandates, which differ in tasks and force, categorization would be even more complicated and lack even the scant objectivity Bratt employs. In order to use performance against mandate as a criterion for success in contemporary operations, an improved approximation of what a mandate requires is crucial.

Fortna (2003) builds upon the broader indicators used to study earlier operations. Her coding is more clear-cut in its account of mandate nuance, though it is not explicit. She includes 'Chapter VI' missions, and further disaggregates them into the following categories: 'observer missions', 'traditional missions', 'multidimensional missions', in contrast to 'Chapter VII missions', which refers to enforcement mandates in her study. However, Chapter VII missions have dominated since the early 2000s, and their tasks and authorities are defined inconsistently despite falling under the same chapter. Mandates now designate a range of tasks unthinkable when peacekeeping was first developed, yet peacekeeping roots have not been abandoned. Contemporary operations still involve traditional tasks like facilitating negotiations and observing or implementing ceasefires, and human rights monitoring is ubiquitous in UN

operations. Peace operations are also charged with managing intercommunal dynamics and protecting civilians. Crucially, current peace operations are typically deployed to 'more challenging situations that involve complex protracted conflicts (...) and are given broader and more challenging mandates'(Gizelis et al., 2016, p. 16). Today, most operations are 'multidimensional', authorized under Chapter VII, and typically also include a civilian protection component. 'Multidimensionality' however, does not mean the same thing in every case. Depending on the nature of a particular conflict, and the political will of the Security Council, multidimensional mandates are more or less comprehensive. This is revealed in Figure 1 (below), which shows the different number of mandated tasks across operations in contrast to the deployed UN personnel:

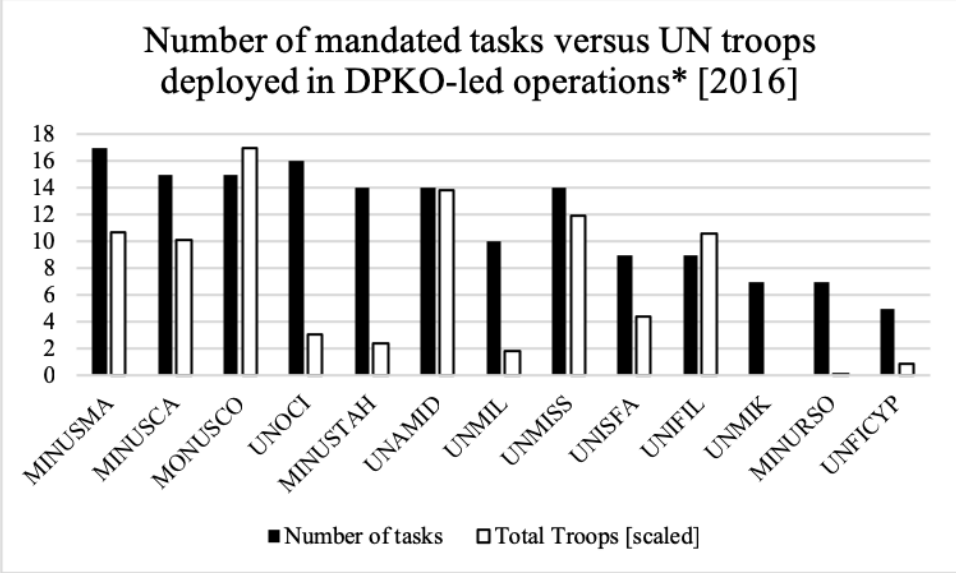

Figure 3 Number of mandated tasks versus UN troops deployed in DPKO-led operations[38]

Figure 3 casts doubt on the legitimacy of inferring mandate from troop size. Heldt (2002) does not surmise that mandate can be inferred from troop size, but proffers numerous explanations for peace operation success and failure, of which one is 'mandate performance'. This variable consists in two components: the number of mandated tasks, and the duration of the assignment

[38] This table includes only operations with more than one mandated task; traditional operations are excluded. Troop counts are divided by 1000 in for the purpose of clear presentation.

of each of the tasks (Heldt, 2002, pp. 125-6). While this variable is relatively unique in that it approximates mandate-complexity, its application is limited without reference to what the tasks entail. The utility of modelling a mandate's role in operational outcomes is undermined if contents of the mandate are ignored.

In other works, mandates are conflated with 'commitment,' and in turn, with troop size. Walter argues that 'a security guarantee is effective only if the third party arrives on the ground with the promised mandate' and uses troop deployment as a proxy for commitment (Walter, 2002). Her premise assumes that troop commitment indicates commitment to mandate, where it could equally be an indicator of the geographical spread of the conflict or resource constraints that might prohibit deployment and reflect neither the mandate authorities nor commitment to achieving them. These assumptions confuse commitment with necessity, and disregard disparities in need relative to resources allocated.

Focusing on the application and impact of POC operations, in their qualitative work, Shesterinina & Job (2016) explore mandate contents in greater detail. They examine the protective 'cycles' that accompany the POC mandate and focus on the increasing trend towards 'particularized' protections of 'vulnerable' groups. They find that mandates that isolate designated subsets of civilians for protection lead to shortcomings in larger protective efforts. They argue that these shortcomings are fundamentally political and responsibility for them should not be laundered onto resource limitations alone. They argue that their study 'go(es) beyond laying blame for the failures of civilian protection on insufficient personnel and material resources' (2016). Hultman et al. (2013) argue that troop size determines civilian protection, and that the mandate is implied by the number of deployed troops. This assumption does not recognize that troop strength is *limited* by mandate and neither guaranteed nor enforced by it. Further, mandates assign operations the tasks and objectives they are expected to fulfil while deployed, and outline the parameters of the Rules of Engagement (ROEs) that

an operation can use to fulfil their mandates, and govern the activities undertaken by troops, regardless of the number authorized or deployed (Sheeran, 2015). There are POC-specific reasons as well. The language cited from the Brahimi Report specifies that the presence of an operation is sufficient to presume authorization of protection, but it is important to remember that this does not necessarily *obligate* operations to protect.[39] Rather, it ensures that protection is not beyond the remit of any operation. This position is supported by the report's assurance that acting on the presumption of authority is contingent upon adequate resources. In contrast, when an operation is explicitly mandated to protect, protection becomes a positive obligation.[40] As such the degree to which a mandate can be inferred by troop size is limited. These limitations are not methodologically insurmountable, but what can be inferred about the mandate is difficult to glean from the schematics proffered by quantitative empiricists thus far.

Hultman et al. (2013) introduce two mandate indicators, consisting in dichotomous variables for 'robust' versus 'POC' mandates.[41] These variables capture different aspects of contemporary mandates that previous studies cannot. It is a shame that the models using these variables are reduced to robustness checks and their results only mentioned anecdotally in the appendix. They show that both protective and robust mandates have negative and statistically significant impacts on civilian casualties. These findings do not undermine Hultman et al.'s conclusion that higher troop and police counts improve protection, but they do better portray

[39] The report dictates that 'United Nations peacekeepers — troops or police — who witness violence against civilians should be presumed to be authorized to stop it' (Brahimi, 2000, p. 11).

[40] While it is true that even in POC mandates, there are caveats limiting responsibility for protection to available resources, it is the context of the obligation that is of interest here. In POC mandates, operations are required to prioritize protection in their assignment of resources. This is not the case in non-POC mandates.

[41] The results associated with these variables are not reported at all, except to say that both were statistically significant in the supplementary material (Hultman et al., 2013, Supplementary Material).

the range of circumstances that lead to civilian protection. Further, their appended findings are substantiated by a qualitative study by Holt et al. (2009) that also shows mandate to have a tangible outcome on civilian protection. The inclusion of mandate in Hultman et al.'s study would have been a useful contribution.

This paper aims to fill the aforementioned gaps in the literature by introducing mandate types as explanatory variables. It also divests mandates from other proxies using quantitative analysis, which has not yet been undertaken in the area of civilian protection. This makes available more nuanced information about the role of mandates in peace operations, particularly in the case of civilian protection.

Theory

With mandate variability on the rise, better attention should be paid to them in empirical studies of peacekeeping. This is particularly true since the introduction of the POC mandate, which created formal and explicit obligations for civilian protection, rather than continuing the assumption that obligations to protect civilians were categorically 'presumed', as suggested in the Brahimi report (Brahimi, 2000).[42]

Failures to protect have a history of being linked to mandate. Investigators for the 1999 Secretary General's Commission of Inquiry report on Rwanda listed a 'weak' mandate among UNAMIR's 'fundamental failures' (Independent Inquiry, 1999). In Bosnia, the impact of mandate on protective measures was clear and defensible. Corwin explains that the UN was criticized and unfairly lambasted for using air power only in defence of its own soldiers when civilians were under attack, arguing that the criticism ignored the constraints of the mandate 'which had been negotiated and approved by all the major powers … [and] made clear that close air support was only to be used in self-defense' (1999, p. 151). This has two important

[42] See Brahimi footnote 5 for text.

implications independent of the disappointing outcomes. First, that the use of air power was so reluctantly used demonstrates that operations do adhere to the mandate text. It also shows that the politics that go into authorizing mandates are part of the implementation calculation. It is also telling that the UN increasingly includes 'raising public awareness and understanding of the mandate' as an operational task. This is a strategy used to explain the limits of what civilians should expect from the operation while present and reinforces the argument that peace operations are liable only for the contents of the mandate.

In this paper I argue that there is good reason to include mandates in studies of civilian protection. First, mandates are functions of the political interests of the Security Council, and therefore carefully and intentionally constructed. Second, mandates govern the tasks and objectives with which operations are charged. Third, mandates determine the parameters within which the operation can act to achieve them. Finally, mandates determine the caps, not guarantees, on troops and other personnel to be deployed.[43] I explain these arguments below.

Mandates are political

In the midst of conflict, multiple political processes are underway. The most obvious being to address the source and pursue settlement of the dispute that has turned violent. Less straightforward are the political interests of concerned parties. In the case of peace operations, these concerned parties are the members of the Security Council, working both on behalf of the organization to preserve international peace and security, and to promote their respective State interests in the outcome of the conflict.

The mandate is the document –both legal and political – that expressly reflects a political agreement. It reflects consent of at least nine of the fifteen members of the Security

[43] These figures do not necessarily represent the number of troops deployed or the funding they receive. I return to this point.

Council, including unanimous approval from the permanent five members and four votes in favour from non-permanent members. Failure to pass an acceptable mandate might mean early withdrawal from an operation, as it did in 1994, when Belgium withdrew from Rwanda when a broadened mandate could not be agreed upon (Des Forges et al., 1999, pp. 460-1). Prolonged debate over mandate language and authorities could also mean delays in deployment as it did in Darfur, when several countries with economic ties to Sudan rejected calls to expand the UN Mission in Sudan to include Darfur in its area of operation. UNMIS was not deployed to Darfur until China, Russia, and Qatar changed their positions from voting nay to abstaining on relevant resolutions.

Inability to reach an agreement concerning intervention might also mean a lack of operation deployment entirely. Following the Russian annexation of Crimea in 2014, Ukraine appealed to the UN to deploy a peace operation. Five years later, Germany continues to support the position that an '"armed and robust UN peacekeeping mission" to secure a ceasefire across all of conflict-torn eastern Ukraine would be a "reasonable solution." Russia rejects the proposal, favouring the limitation of deployment to the front line, and according to German representative Gabriel, making 'today's contact line a de facto border' (n.a., 2018). Clearly, both leaders expect that the parameters of the operation stipulated in the mandate, would be consequential. Further enmeshed in the questions of territorial Security of both Russia and Ukraine is the impact such a mission might have on Russian elections, only months away at the time of the proposal (n.a., 2018). The politics that coexist with peace operations at various levels demand that those charged with implementing mandates tread carefully. Operations' failure to do so in the field might risk losing favour with Council members and jeopardizing the operation's authorities, if not existence. Avoiding this means fulfilling the tasks, meeting the objectives, and adhering to limitations outlined below.

Mandates determine POC tasks and objectives

Recent years have seen a dramatic increase in responsibilities assigned to peace operations, and the number of these multidimensional operations authorized. Th UN's 1961 operation in the Congo's (ONUC) mandate was one-fold. It was charged with providing necessary military and technical assistance to the Government until the country's national security services could operate effectively (United Nations, 1960). In the same country, six decades later, MONUSCO has twelve obligations under its POC component alone, which is but one of fifteen assigned (United Nations, 2018).[44]

The POC mandate is a function of necessity. It was introduced following atrocities committed in the presence of UN peacekeeping operations in conflicts including those in Rwanda, the Balkans, and Somalia (Polman, 2004) . Facing an existential crisis from the overt failure to act—arguably, beyond its mandate—in the face of violence against civilians, the shame associated with it and backlash from the public, the Security Council requested the Secretary General to draft a report concerning the protection of civilians in armed conflict. The 1999 report recommended that the Security Council authorize troops to protect civilians in the mandate explicitly (S/1999/957, 1999). Subsequently, the Security Council authorized its first POC operation: the United Nations Assistance Mission in Sierra Leone (UNAMSIL). UNAMSIL is largely considered a victory for civilian protection and set a precedent for protective mandates. What makes UNAMSIL stand out from its predecessors is not its troop size, but its mandate. At the height of UNAMSIL's deployment, its troop count was less than half that of UNPROFOR, the mission in the Balkans, at its zenith.

[44] These twelve tasks are mutually-reinforcing but are nevertheless separate obligations.

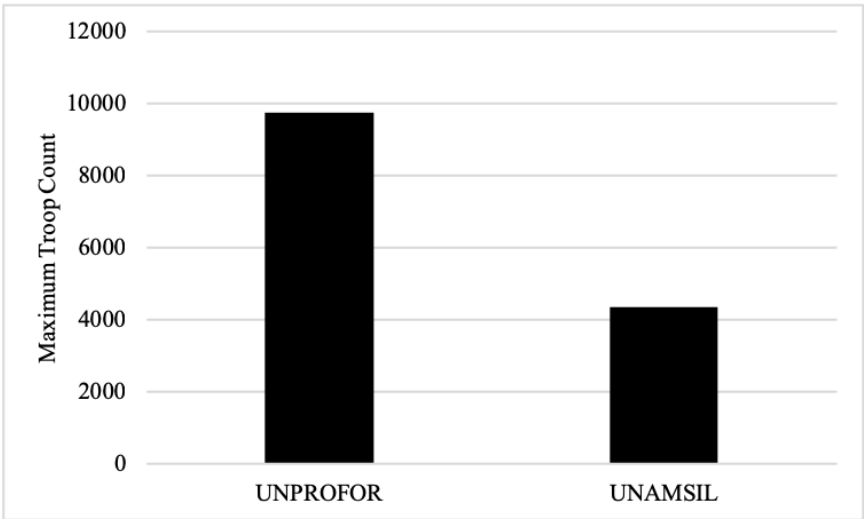

Figure 4 Troop counts for UNAMSIL (Sierra Leone) and UNPROFOR (Balkans)[45]

But unlike the better-staffed UNPROFOR, UNAMSIL was explicitly authorized to protect civilians.[46] This might go some way in explaining the different outcomes. Troop count is part of the story, but mandate should also be included when assessing performance. This argument gives way to the following hypothesis:

H_1: Operations authorized with a 'POC' mandate will experience fewer civilian casualties than operations that are not.

Mandates govern parameters of protection

As explained above, contemporary operations have many objectives—perhaps more than an operation can successfully meet. The designated authorities available to an operation can are integral to outcomes. Rules of engagement assign such authorities, and mandates provide a framework for their development. These stipulate the parameters within an operation

[45] Data comes from the archived UN's archived mission websites. See (UNDPKO, 1996; UNDPKO, 2005)

[46] 'POC' objectives could have been inferred from the mandate, but the mandate text charged UNPROFOR with creating and maintaining 'safe areas.' It did not require UNPROFOR to use force to protect them, only explicitly permitting use of force for self-defense.

must act to achieve objectives, including the use of force for protection (Wills, 2009, p. 1).[47] Political, military, and legal factors are considered in their drafting, and in their interpretation in the field. Lt. Col. Cowdrey explains 'ROEs cannot establish policy, policy must drive ROE' (1994, p. 37). Mandates provide this policy.

There are other complementary sources of policy that are founded in an everchanging 'doctrine' of peace operations. The Brahimi report spells out some background policy for the conduct of peace operations and their ROEs:

> Rules of engagement should not limit contingents to stroke-for-stroke responses but should allow ripostes sufficient to silence a source of deadly fire that is directed at United Nations troops or at the people they are charged to protect (The Panel on United Nations Peace Operations - chaired by Lakhdar Brahimi, 2000).

This is one example of peacekeeping doctrine invoking attention to mandate, although discretely. While seemingly a sweeping statement concerning obligations to protect, it is clear that robust action is to be used to protect those people that the operation is 'charged' with protecting. It does not categorically necessitate protection of civilians, but only of those demanded by their mandate, the source of such a charge.[48] What troops can do, and how they can do it depends on what mandates stipulated—and how mandates are interpreted. The following hypothesis reflects this argument:

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[47] But POC components, however, are not a 'cure-all' for achieving civilian protection. Rules of engagement, while derived from the mandate, are subject to the interpretation of operation commanders, who may be timid in translation of mandate to ROEs and do so sloppily.

[48]This interpretation does not contradict the previous quote concerning the presumption of authority to halt violence against civilians. This statement concerns the drafting of rules of engagement. ROEs should focus on populations outlined in the mandate—not necessarily to the exclusion of others. That is, the *obligation* does not extend beyond those specified in the Security Council's resolution.

H_2: Operations authorized under a robust mandate will experience fewer civilian casualties.

Mandates as resource 'caps'

As touched on in the literature review, mandates are often approximated empirically from resources allocated. There are two reasons that this should be avoided. First, mandates set the number of troops and other personnel to be deployed over the course of an operation. It is a political decision, which may or may not adhere to the recommendations made by military commanders as reported by the Secretary General. In the first place, troop count is a function of the degree to which the Security Council heeds the recommendations of field officers, advance teams, or inquiries concerning operational deployments. The troop cap set out in the mandate may not be consistent with those requested in the field. However, today most operations have authorized upwards of ninety percent of the maximum troops recommended.[49]

To date insufficient troop contributions are the main obstacles to meeting professional recommendations. Even when the Security Council does authorize troops in line with the military recommendations, the mandate itself does not make the troops materialize. Using a troop count as an approximation of mandate suggests that the number of troops deployed reflects the number of troops authorized to carry out the mandate. Makes clear that this is not the case:

[49] To generate this figure, I compared a random selection of mandates with corresponding to calculate a ratio of recommended troops to troops authorized was then calculated.

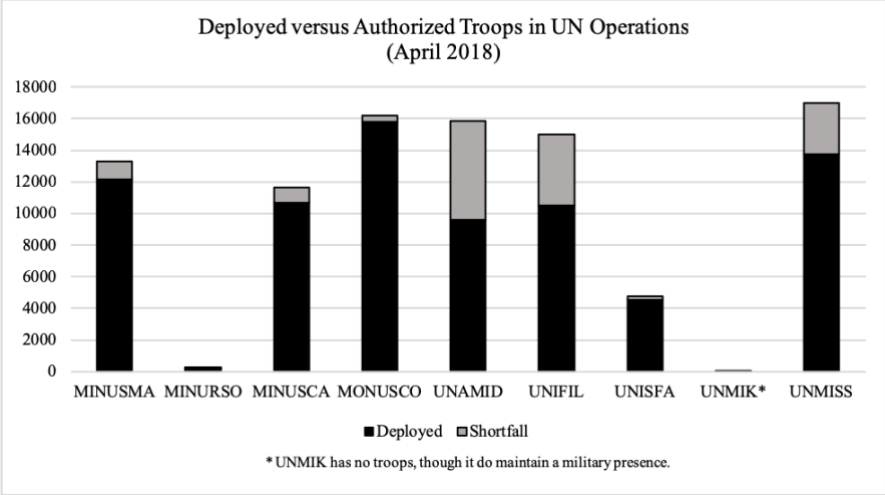

Figure 5 Fraction of authorized troop count versus deployed troop count as of April 2018

For this reason, interpreting troop size as an indicator of mandate strength or objective is insufficiently nuanced. The most that can be said about the relationship is that mandates imply some degree of commitment to an operation, and only when considered against the figures recommended by the field commanders and the Secretary General and authorized by the Security Council. Importantly, the Charter does not require that the Security Council step in to ensure full deployment—even in the face of a shortfall of their own resolution. The Charter generically obligates 'members' to contribute.

It can hardly be said that troop deployment is strictly a function of mandate. It is more plausibly a function of (a) the adherence of the Security Council to the recommendations of field officers and the Secretary General when allocating troops—a different animal entirely from the actual deployment of troops,[50] and (b) the international community's willingness or

[50]Communications between field officers and the Security Council typically occur through the Secretary General, who submits reports to the Council at least as often as requested by the Council. Interim reports are made as situations change or new advice or requests are brought to the Secretary General from the field (Sharland, 2018, p. 31).

capacity to contribute troops and equipment.[51] It follows that the degree to which mandate can be inferred by size of deployment is limited. In empirical studies, mandates must be understood as a variable distinct from troop size.

Further, as touched on in the introduction, troop size is a more complicated statistic than accounted for in existing studies. Troops are authorized under a variety of mandates. Sometimes they are deployed with the exclusive objective of monitoring a demilitarized zone, such as the United Nations Peacekeeping Force in Cyprus (UNFICYP), which operates under a traditional mandate. UNFICYP supervises the 1974 *de facto* ceasefire, gives humanitarian aid, and maintains a buffer zone between Turkish-Cypriot forces in the North and Greek-Cypriot forces in the South. Traditional operations tend to be small, as are the spaces in which they operate. Today, UNFICYP consists of more than 850 troops and in excess of 60 police officers. These personnel occupy and monitor a 346 km^2 buffer zone (United Nations Development Fund, 2010). On the other hand, the United Nations Mission in South Sudan (UNMISS) is comprised of (up to) 7,000 military personnel and 900 civilian police (UNDPKO, 2018c). While this number dwarfs UNFICYP's troop capacity, UNMISS is responsible for a 619,745 km^2 land area. This ten-fold increase in personnel governs a space that is nearly 2,000 times as big. Further, UNMISS operates under a multidimensional mandate, with the following tasks: setting up and protecting civilian safe areas, facilitating humanitarian assistance, monitoring and protecting against human rights violations, and operating as an 'impartial

[51]In 1965, the General Assembly charged the Secretary General with forming a 'Special Committee on Peacekeeping Operations' (C-34) 'to undertake as soon as possible a comprehensive review of the whole question of peacekeeping operations in all their aspects, including ways of overcoming the present financial difficulties' (A/2006 (XIX), 1965)). More than half of UN Members are currently members. This body communicates observations concerning efficiency and progress to the Fifth Committee, the Secretary General, and the Security Council in an annual report (Sharland, 2018, p. 31).

partner at the national and sub-national level with political, religious, traditional and community leaders as well as grassroots communities and individuals across the country' (UNDPKO, 2018a; S/RES/2327 (2016); UNDP, 2010).

Currently, the largest peace operation is the United Nations Stabilization Mission in the Congo (MONUSCO). In 2014, MONUSCO's troop count sat just under 20,000—but it is only the largest operation in absolute figures. Does the magnitude of troops deployed suggest a disproportionately high degree of commitment to curtailing the conflict in the DRC? In fact, at this high troop count, it was comparatively understaffed, even against other UN operations. With 19,575 troops, MONUSCO still maintained less than one troop per square kilometre. The figures are starker when the troop size is contrasted with population-density. For each MONUSCO troop, there were 248 individuals inhabiting the conflict zone.[52] In contrast, at it the height of its deployment, the UN mission in Lebanon (UNIFIL) had 13,539 troops deployed, with a troop-to-population density of one soldier for every twenty-eight civilians. Yet existing logic, which focuses foremost on total troop allocations, would suggest that commitment to MONUSCO outranks that to UNIFIL.

But even the largest operation with the most ubiquitous presence need not seek out opportunities to protect civilians unless the mandate imposes an obligation to do so. When considered in the context of resources needed and resources mandated, a much different picture emerges, and it suggests that troop size is not intrinsically indicative of 'mandate' or 'commitment'. Researchers should be weary of using so blunt a tool as troop size when approximating 'inputs' as an independent determinant of success. To mitigate these obstacles, variables adjusted to circumstance need to be included as controls.

[52] This figure is a ratio of troop size to an approximation of the war-affected area, and population, respectively. Based on population studies, from the available data it is not possible to state with certainty which of these 248 individuals were civilians and which were not.

Below, I do not dismiss the proposition that material and personnel resources are crucial for success. The position proposed herein is that troops are insufficient to explain success in the area of civilian protection, when their responsibilities are excluded from inquiry. Rather, I argue that civilian protection outcomes are functions of the coupling of a sufficiently large troop-size, with a protective mandate. This is consistent with the example provided above, which compares the troop counts associated with UNAMSIL and UNPROFOR. The overwhelming majority of troops were deployed to Bosnia-Herzegovina and Croatia, which constitutes a much larger area than Sierra Leone. Yet when troop densities are included, the gap begins to close:

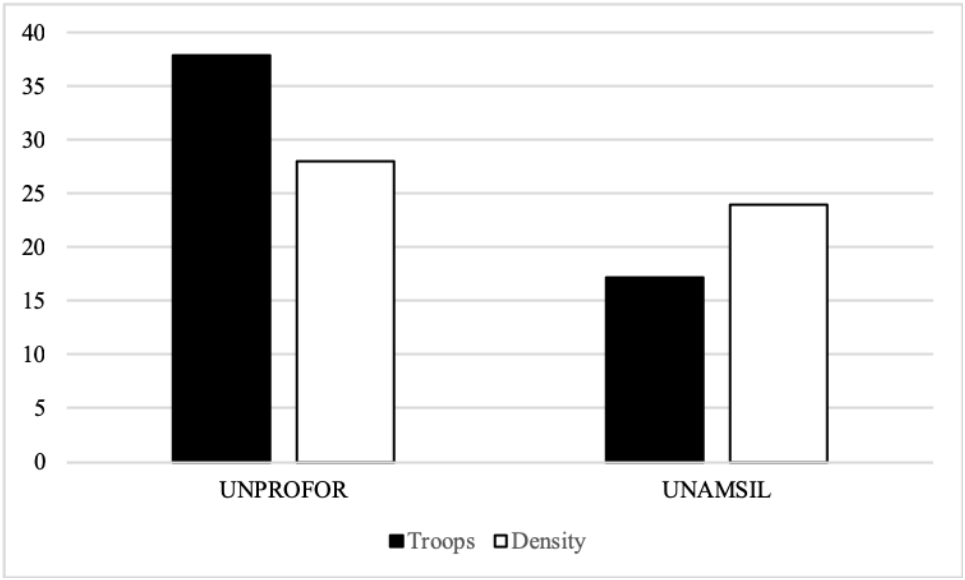

Figure 6 Troop-densities versus troop counts for UNPROFOR and UNAMSIL[53]

The densities are much closer to parity, than the troop count figures. It is remains clear that even within the reduction in disparity that troop-density yields, troop count cannot, on its own, explain the vastly different outcomes. I propose that the best way to account for this is by modelling the impact of 'adequacy' on protective outcomes, yielding the final two hypotheses:

[53] The scales for these observations are not commensurable, but for the sake of presentation and comparison I have adjusted them. Troop figures are divided by 1,000 and the density figures are per 100 km^2. The UNPRFOR figures do not include Serbia owing to the very large space of the country and low number of troops present.

H_3: Civilian protection increases when a 'POC' mandate is coupled with an adequate troop size.

H_4: Civilian protection increases when a 'robust' mandate is coupled with an adequate troop size.

Research Design

In this paper I offer five models to evaluate the impact of mandate on civilian protection. The first three concern troop size as per Hultman et al. (2013).[54] The base model is found in Hultman et al. (2013) and includes neither 'robust' nor 'POC' mandates. Models 1 and 2 address the first and second hypotheses above, exploring the explanatory powers each of 'POC' and 'robust' mandates when added to the base model.[55]

Models 3 and 4 address the third hypothesis, which posits that the interaction of mandate and adequate personnel best explains one-sided violence. This exploration requires new independent variables that capture the interaction between personnel capacity and mandate. I devise troop density variables to better represent the complexity of an operation's

[54] This inquiry is limited to troops and includes neither police nor observers. This is because the theory presented concerns troops alone. Further, the number of troops dwarfs both police and military observers. This risks over-stating their influence. Hultman et al. (2013) find that the influence of police is far more effective at protecting civilians than are troops, and that military observers increase civilian casualties nearly twenty-fold. It is far more likely that the impact of police or military observers in this area is a function of the stage of the conflict as, particularly in the time period studied, police were deployed in situations of high community-based crime, rather than violence attributed to conflict. And finally, police and military observers operate under different mandates from troops and each other. Little information about mandate is gleaned when assessing the impact of police or observer presence when *troops* are given a particular mandate.

[55] I reiterate here that these Hultman et al. (2013) did execute these models (with all three personnel types) but did not publish their results. All mention is relegated to the Supplementary Materials, in which they state that both mandate types are statistically significant. I find the same and report the results section that follows.

profile, and its capabilities relative to other operations. To calculate these densities, I approximate the area of conflict-effected land from the UCDP Georeferenced Event Dataset (2013) and divide the total troop counts by it (Melander and Sundberg, 2013). The interaction effect is captured by the disaggregation by mandate type to create 'troop-density with a robust mandate' and 'troop-density with a non-robust mandate'. They are included together in the model to enable comparison. The same process is repeated with 'troop-density with a POC mandate', and 'troop-density with a non-POC mandate' variables. Each of the density variables is lagged one month.

I use negative binomial regression (NBR) in each of the models. NBR is better equipped to handle the data than either a Poisson or OLS model. Although the one-sided violence dependent variable is suitable for a Poisson model on the basis that it is a count variable, the data are overdispersed. This violates one of the assumptions of a Poisson model, making it inappropriate for modelling the present data. OLS models are not appropriate for count dependent variables and require a normal distribution. The frequency distribution below demonstrates that the data are incompatible with an OLS model:

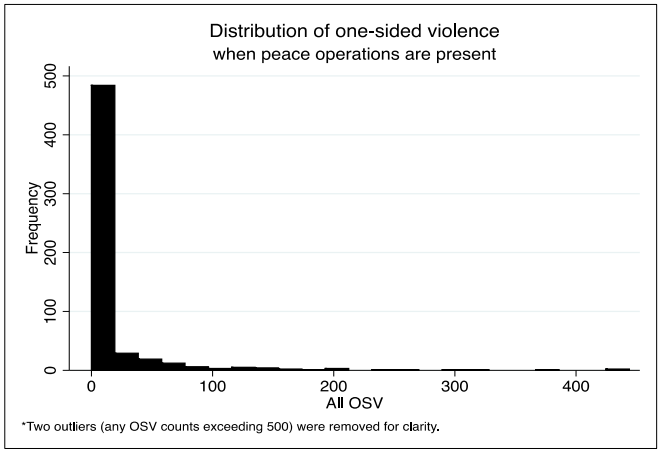

Figure 7 The distribution of one-sided violence in the presence of PSOs

These models control for extraneous circumstances that may impact the role of mandate and troop size. Each of the following control variables is included in all five of the models. First is

the sum of all battle-related deaths (BRV), which provides context for the levels of violence endogenous to the conflict and (theoretically) distinct from civilian targeting. The second is a dummy variable for whether or not instances of one-sided violence occurred at the time of each observation. Both of these control variables are lagged one month.

The third considers the sources of contention between the government and rebel factions are also believed to influence levels of violence in civil conflict, as are demographic figures. I include a binary variable for whether the source of conflict is governmental authority or territorial domain, and control for the time since conflict onset using the duration of the conflict in months at the point of a given observation. Consistent with many studies of conflict, I include population size (Brückner, 2010; Regan and Norton, 2005; Buhaug and Rød, 2006), which comes from the Composite Index of National Material Capabilities (Hultman et al., 2013; Singer et al., 1972). The dataset consists of 3,746 observations and derived from forty-nine conflict episodes in Africa between 1991 and 2008.

Finally, 'one-sided violence' (OSV) is the dependent variable in this study. It does not include civilians caught in the cross-fire, collateral loss of civilian life, or fatalities caused by inaccessibility of humanitarian aid. This produces 'findings (that) reflect the influence of peacekeeping on direct targeting of civilians, rather than spurious effects associated with random elements of war' (Hultman et al., 2013). I also include two additional years of observations following the conflict, recognizing that cessation of hostilities between combatants does not necessarily compel an end to civilian victimization (Cunningham et al., 2009; Hultman et al., 2013; Kathman and Wood, 2016; Eck and Hultman, 2007).

The next section begins with a brief analysis of time as a possible confounding variable, and an explanation of why this is not the case. Evidence challenging the claim that troop size is an appropriate proxy for mandate follows. The results of the five substantive models are then reported and analysed.

Results and analysis

Before proceeding to the results of the primary models, concerns regarding potential selection bias and confounding variables are addressed. In terms of selection bias, to what extent is a mandate influenced by existing or preceding levels of violence? The idea that the Security Council would make draft mandate according—or at least with sensitivity to levels of violence against civilians—is an appealing argument. I include a dummy variable for past one-sided violence to mitigate the any possible influence. However, in Paper 4, I explore this possibility explicitly using a complex set of mandates properties. The results show no statistically significant relationship between preceding levels of violence and mandate composition.[56]

Another concern is the potentially confounding effect of time. There is necessarily some correlation between the POC mandate and time as it did not debut until late 1999. As is evident from Figure 8, prior to 1999 there was scant reference to action beyond interpositional and mediatory peacekeeping functions presents this relationship.

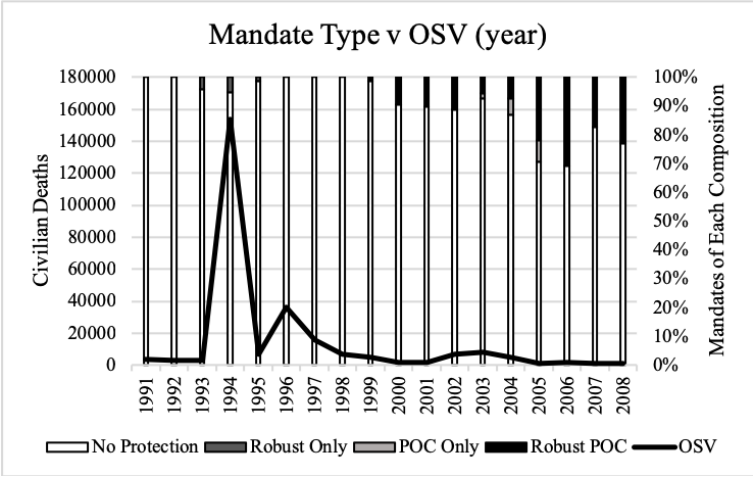

Figure 8 Mandate Type and OSV over Time

[56] In this model, mandate is the dependent variable and forward lagged by one, three, and six months. A dummy variable for violence in the preceding month and the monthly sum of OSV are explanatory variables in all of these models.

The table below delves further into the actual relationship, revealing weak correlations between mandate types and year.

Table 1 Correlation between time and mandate-type	
Mandate-Types	*Year*
No Protection	-0.08
Robust Only	0.09
POC Only	0.29
Robust POC	-0.27

Table 1 reveals a range in the strength of the relationships between mandate-types and time, but none of these could be considered sufficiently strong to confound findings pertaining to the influence of mandate.

With respect to Hultman et al.'s (2013) position, that mandate can be approximated from troop count in the context of civilian casualties, the descriptive statistics in **Table 2** suggests that the relationship between personnel numbers and civilian casualties is murkier than previously assumed when mandate is considered.

Table 2 Correlations between civilian casualties$_{(t-1)}$ and personnel counts versus mandate-types	
Personnel Counts	
Troop count $_{(t-1)}$	0.0072
Police count $_{(t-1)}$	0.0004
MILOBS count $_{(t-1)}$	0.0449
Mandate Type	
POC	-0.002
Robust	-0.003
No protective language	0.004

The above matrix shows that without reference to mandate, the relationship between troop numbers and one-sided violence is substantial and positive. In contrast, the relationship between 'POC' and 'robust' mandates with one-sided violence is negative, though much smaller. The finding suggests that the troop-count variable may be too blunt a tool to explain civilian casualties. However, while these statistics reinforce the position that mandate is an

important and influential variable for explaining one-sided violence, lacking control variables, all that can be said of these particular findings is that the relationships are worth further consideration.

The following models do control for various aspects of conflict and operation properties, making up for the limitations of the examination above. Models 1 and 2 replicate Hultman et al.'s (2013) unpublished results, which include mandate type respectively:

Table 3 The effect of 'POC' and 'robust' mandates versus personnel size on one-sided violence in African civil wars, 1991-2008

VARIABLES	(1) POC Mandate	(2) Robust Mandate
Troop count $_{(t-1)}$	-0.337*** (0.0909)	-0.319*** (0.108)
Police count $_{(t-1)}$	-9.960*** (1.462)	-10.05*** (1.437)
Military observers $_{(t-1)}$	20.57*** (3.619)	20.40*** (3.733)
All OSV dummy $_{(t-1)}$	2.163*** (0.278)	2.159*** (0.277)
All BRV $_{(t-1)}$	0.000573 (0.000604)	0.000566 (0.000603)
Population	0.701*** (0.165)	0.702*** (0.166)
Duration	0.000823 (0.00354)	0.000849 (0.00353)
Government conflict	2.438*** (0.434)	2.445*** (0.437)
Robust mandate	-2.215*** (0.749)	-
POC mandate	-	-2.286*** (0.777)
Constant	-9.371*** (2.048)	-9.397*** (2.059)
lnalpha	2.815*** (0.191)	2.815*** (0.191)

Alpha	16.691	16.685
	(3.182)	(3.181)
Observations	3,746	3,746

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 3 demonstrates that while the impact of personnel continues to be negative and significant, mandate is too. Recognizing that the scales of the independent variables are different and their coefficient's incomparable, I report first differences below:

Table 4 First Differences in OSV (1998-2008)

Models	Mean	St. Err.	95%CI	
POC mandate changes from 0 to 1	-6.519	3.028	-13.683	-2.471
Robust mandate changes from 0 to 1	-6.644	3.046	-14.640	-2.448

This further emphasizes the contribution of mandate-type to explaining protective outcomes. Bearing in mind the proposition that troop-density variables provide a more accurate metric that the absolute figures used in the models above, I replace the personnel-type variables with those that capture their densities in Model 3. The subsequent models address the third and fourth hypotheses by considering the impact of 'the right mandate' with 'the right capacities' on one-sided violence. As explained, I posit that the usage of absolute personnel counts is not equal to the task of illustrating an operation's strength. I further propose that modelling operational mandates as distinct from their strength does not represent the realities of an operation sufficiently. Below are the results for a base model that illustrates the result of personnel-density without controlling for mandate. Models 2 and 3 then show the impact of personnel-densities when each interacted with and without POC and robust models. The interaction effects were calculated by multiplying the troop-densities with the dummy mandate variables, when the mandate variables were set to one and zero in each instance.

Table 5 Impact of interactions between personnel-densities and mandate-type

	(3)	(4)	(5)	(6)	(7)
VARIABLES	Personnel-densities	Personnel-densities with POC mandate	Personnel-densities with robust mandate	Interaction of troop-densities POC mandate	Interaction of troop-densities
Troop-density$_{(t-1)}$	-22,661***	-17,839***	-17,121***	--	--
	(5,360)	(4,197)	(3,896)		
Police-density$_{(t-1)}$	1.065e+06***	901,488***	891,152***	1.023e+06***	1.009e+06***
	(182,509)	(161,053)	(168,997)	(204,495)	(193,427)
Observer-density$_{(t-1)}$	973,436***	916,704***	916,635***	924,731***	904,468***
	(73,970)	(82,876)	(95,987)	(123,381)	(93,670)
POC mandate	--	-1.069***	--	--	--
		(0.336)			
Robust mandate	--	--	-1.239***	--	--
			(0.349)		
Troop-density with POC mandate$_{(t-1)}$	--	--	--	-22,336***	--
				(4,605)	
Troop-density without POC mandate$_{(t-1)}$	--	--	--	-19,005**	--
				(8,104)	
Troop-density with robust mandate$_{(t-1)}$	--	--	--	--	-22,182***
					(4,257)
Troop-density without robust mandate$_{(t-1)}$	--	--	--	--	-17,224***
					(5,839)
All OSV dummy$_{(t-1)}$	2.235***	2.239***	2.241***	2.234***	2.234***
	(0.286)	(0.271)	(0.267)	(0.286)	(0.286)
All BRV$_{(t-1)}$	0.001	0.001	0.001	0.001	0.001
	(0.0008)	(0.0008)	(0.0008)	(0.0008)	(0.0008)
Government conflict	2.329***	2.409***	2.428***	2.332***	2.333***
	(0.402)	(0.429)	(0.428)	(0.404)	(0.405)
Conflict duration	0.000134	0.0004	0.001	0.0002	0.0003
	(0.00354)	(0.00348)	(0.00347)	(0.00358)	(0.00358)
Population	0.694***	0.728***	0.737***	0.693***	0.692***
	(0.170)	(0.181)	(0.181)	(0.171)	(0.171)
Constant	-9.155***	-9.600***	-9.716***	-9.149***	-9.149***
	(2.025)	(2.168)	(2.162)	(2.031)	(2.032)

lnalpha	2.784*** (0.200)	2.779*** (0.201)	2.777*** (0.201)	2.784*** (0.200)	2.783*** (0.200)
Observations	3,746	3,746	3,746	3,746	3,746

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

The results of models 3, 4, and 5 show that including each type of mandate in troop-density models reduces the influence of the troops on civilian protection. This is true for both 'POC' and 'robust' mandates when compared to Model 3, which lacks any account of mandate. Results for Models 6 and 7 show that the impact of troop-density is reduced (though not eliminated) when modelled as an interaction with mandate. This is apparent when contrasting the effect of a given type of mandate with the same troop-density without one. Outcomes for POC and robust mandates are very similar to each other in each case. This is attributable to the considerable overlap between 'POC' and 'robust' mandates, but it is also possible that a variety of language informs peace operation activities in the field.

Conclusions

In this paper I argued that mandates are under-represented in existing research on civilian protection in armed conflict. Using only a capacity indicator, such as troop size supposes that all operations are intended to behave the same way. This is not the case. One can only glean these differences from an examination of 'who' operations are meant to protect, and 'how'. Answers to both of these questions can be inferred from the mandate. The results reported invite the acceptance of the hypotheses offered at the beginning of this paper. The first hypothesis stated that a POC mandate should better protect civilians than a non-POC mandate. Analysis of Model 2 suggests that this is true. The third hypothesis made the same claim, but with for 'robust' mandates. Model 3 supports this claim.

I then proposed that using the existing 'troop count' variable is misleading. Like the assumption that all operations are authorized to the same end, using a troop count figure without adjusting for the deployment area gives more weight to troop size than is appropriate. The findings presented in this paper overwhelmingly suggest that performance is more than a question of the right troop count *or* singularly a question of the right mandate. Operations best protect civilians when they have the right troop size *and* the right mandate.

That said, the paper is not without limitations. For one, conclusions can only be drawn about operations in Africa. The international community would benefit from a similar study at the global level. More data concerning mandates for non-troop personnel could also improve the models. However, given the relatively small non-troop personnel counts, such a tremendous undertaking might prove unwarranted.

As ever, the reliability of casualty data is never assured. Performing the same models against other casualty data might act as an important robustness check, for this, and for other studies using GED data. One source of this might be UN reports, which are as of yet largely un-coded. Another short-coming is that there is a good deal of overlap between POC and robust mandates. One seldom observes an operation that has a protective mandate but is not authorized to take robust action. In this, and in other studies, 'POC' and 'robust' mandates are modelled as though mutually exclusive. This is far from the case. Subsequent studies should better represent this.

An avenue ripe for inquiry is the impact of different operational profiles on violations of human rights law, as opposed to the more restrictive humanitarian law, as mentioned above. Increasingly, mandates specify protection from sexual violence, and even downplay the 'physical' component of violence, a stipulation for intervention that permeated earlier POC mandates. The recognition that rights beyond that to life are at stake in conflict should not be lost on researchers. The limited inquiry to date, is no doubt in part due to the shortage of human

rights data in conflict areas (and in general). However, with the increase in mobile humanitarian technology, there is both promise and potential for documentation of and access to this information.

Given what has been learned of the utility of mandates in this study, it also invites further research into mandate properties and dynamics. The study suggests that it is plausible that the differences within both POC and robust mandates may impact protection as well. This information might guide policy-makers in formulating mandates so that they better protect civilians.

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Paper 3: Introducing the Peacekeeping Operation Protective Language Dataset (PKO-PLD)

Introduction

In this paper I introduce an original dataset that addresses protective mandate language in peace operations (PKOs). One of the primary motivations in constructing it is the apparent crossing of wires between political science research and the legal environment it should inform. While there is no law *specific* to peace operations, PKOs are governed by international humanitarian law (IHL) and international human rights law (IHRL), as well as norms and principles. Many of the latter are derived from customary international law, with the Charter of the United Nations principal among them. The UN also issues periodic bulletins to fill in gaps and clarify conflicting interpretations of existing laws. Moreover, PKOs are both established and directed by their respective mandates, which are legally binding on all states.[57] The inclusion of mandate in analyses is useful both as an influential variable, and as a metric against which PKOs can be judged. While many studies do include mandate in some capacity, the indicators are often blunt and brush over important implications for PKO outcomes. This dataset provides an alternative to these cruder measures.

One reason this is beneficial is that mandates are not static. They change over the course of an operation and are inconsistent with each other with respect to tasks and objectives. They are also the product of negotiations; in the case of mandates, nuance serves a function. How these nuances impact performance and influence civilian protection can offer realizable suggestions. The opportunities for this kind of analysis are currently limited by the available data. The PKO-PLD remedies this shortfall.

In this paper I begin with a discussion of various categorizations of PKOs, and then proceed to a summary of existing intervention datasets (with UN components), and their applicability to the study of civilian protection. I then explain the shortcomings associated with

[57] See Paper 1 for more on the co-application of IHL and IHRL to PKOs.

the blunt mandate indicators that they often include. Next, I proceed to a discussion of the construction of the PKO-PLD construction and coding rules. I conclude with a summary of its contributions to PKO research into civilian protection and recommendations for use.

Contemporary classifications of PKOs and limitations

In 2008, the UN Department for Peacekeeping Operations (DPKO) produced the *Capstone Doctrine* at the behest of the Security Council. The Doctrine (2008) lays out the range of tasks a peace operation (PKOs) might be assigned, and the general principles that should govern their fulfilment. While it does address the issue of civilian protection, it is unspecific with respect to measures that might be taken and the degree of responsibility that peacekeepers bear for providing it (United Nations, 2008).

Academics have also tackled the problem of codifying operations. For instance, Ratner broadly categorizes peace operations as either 'first' or 'second' generation (Ratner, 1995, pp. 21-2). He posits that the former is bound by a conservative interpretation of the three pillars of peacekeeping (consent, impartiality, and non-use of force), while the latter exists within a more liberal reading of the Charter. The unique longitude afforded to 'second generation' operations produces increasingly complex operations. Ratner's binary coding by generation is problematic when PKOs acquire multiple concurrent responsibilities and obligations. All of these are found in the PKO's mandates and associated documents. By ignoring the actual text of the mandates, Ratner's distinction falls far short of the necessary specificity means and objective that a consequential study requires.

In their 'taxonomic' study of peace operations typology, Diehl et al. (1998) derive twelve categories of operation. Consistent with other attempts at classification, they construct a 'traditional peacekeeping' category, which is characterized by adherence to the principles of consent, impartiality, and non-use of force. The rest of the categories are defined by function.

Two of these are directly relevant to the present study: 'humanitarian assistance during conflict' and 'protective services' (1998, pp. 39-40). They explain that 'protective services' might include any or all of the following:

> …the establishment of safe havens, "no fly" zones, and guaranteed rights of passage for the purpose of protecting or denying hostile access to threatened civilian populations or areas of a state, often without the permission of that state (1998, p. 40).

This definition approximates some of the ideas of interest to this paper. But once again, a coding scheme based on this categorization would not account for the variation within protective mandates—which is substantial.

Diehl and Balas (2014) address the inappropriate conflation of terms such as 'peacekeeping', 'peacebuilding', 'peace enforcement', and 'peace-making' among others (2014, p. 3). They study a sample of twelve peace operations, developing four categories (in addition to the baseline 'traditional' peacekeeping operation): observation, 'damage-limiting', 'rebuilding civil services', and 'combat-oriented' enforcement operations (2014, p. 16). Again, these categories are based on function—and even if there were an explicitly protective one, it would suggest that authorities ascribed to it are constant. This is not the case. Thus, Diehl and Balas's classification scheme is also incapable of producing data that appropriately represents the differences among protective mandates.

Bellamy et al. (2010) also suggest peace operation categories and employ a more legally-sensitive categorization scheme than those above. Rather than simply dichotomizing Chapter VII and non-Chapter VII, their system captures the subtleties of 'Chapter 6 ½' mandates. This provides an appropriate category for those operations that '[fall] somewhere between the pacific and consensual provisions of Chapter VI of the UN Charter and the enforcement measures envisaged by Chapter VII' (Bellamy et al., 2010, p. 194). Still, data

based on this categorization would not be sufficient for analysis of protection and related authorities. This is because within a single mandate several objectives may be authorized within a Chapter VII resolution without *all* of them falling under Chapter VII. For instance, sanctions are a 'forceful' means of coercion often employed by the Security Council to restrict or encourage certain State behaviours. These necessarily fall under Chapter VII. But this does not necessarily mean that operations authorized within the same resolution are equally permitted to operate under Chapter VII. For instance, Section A of Security Council Resolution 918c authorizes the United Nations Assistance Mission in Rwanda (UNAMIR)

> (a) [t]o contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; [and]
>
> (b) [t]o provide security and support for the distribution of relief supplies and humanitarian relief operations […]

These responsibilities clearly invoke protection. However, only Section B is authorized under Chapter VII and only in reference to an arms embargo on Rwanda. Subsequently, Resolution 925 was passed, which

> [r]ecognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief (S/RES/925 (1994)).

This language certainly lends itself to an assumption of Chapter VII authorities, but it does not appear within the operation's mandate.

Based on the Brahimi Report, operations since 2000 can 'presume' Chapter VII authorities to halt civilian killings. In contrast, UNAMIR's Force Commander, Lt. Gen. Roméo

Dallaire recounts instructions received that 'UNAMIR is not,[58] repeat not, to fire unless fired upon,' even having cited the rules of engagement (ROEs) permitting use of deadly force to prevent crimes against humanity (Dallaire, 2003, p. 229). Would a different course have been taken if the mandate had been authorized under Chapter VII? To what extent can the mandate account for failings in Rwanda? Below I discuss existing PKO datasets, their capacities and limitations for understanding the relationship between mandate language and protection.

Operationalizing definitions: existing datasets

The International Military Intervention (IMI) dataset identifies several relevant 'types' of intervention, including 'social protection' and 'humanitarian' (Pickering and Kisangani, 2009). The former pertains to interventions aimed at halting violence targeting a particular civilian population by 'protect[ing] a socio-ethnic faction(s) or minority of the target country.' The humanitarian variable casts a wider brush, aiming 'to save lives, relieve suffering, distribute foodstuffs to prevent starvation and so forth' (Pickering and Kisangani, 2009, p. 9). While this is a comprehensive definition of 'humanitarian intervention', the scope makes it difficult to deduce discrete findings as opposed to general patterns. Further, the coding is too crude to be conducive to the study of intra-operation changes. But mandates do change, and frequently in some cases. Unless an operation undergoes a fundamental change of 'purpose', this is not reflected in the coding.

Beardsley and Gleditsch (2015) use the IMI dataset to study the effect of operations on conflict containment. They disaggregate identified UN operations into 'robust' and 'observation' categories, such that operations populated by more than 1,000 troops are categorized as 'robust', while the remaining are characterized as 'observation' operations. But 'robust' and 'observation' are also important terms in law and policy, and their meanings are a

[58] UNAMIR's Force Commander

function of mandate rather than troop size. In fact, the inclusion (or not) of specific mandate language is crucial for determining whether or not an operation is 'robust'. A 'robust' status is assigned to mandates that expressly permit an operation to use 'all means necessary' (or some derivative thereof) in defence of the mandate (UNDPKO, n.d.).

Hultman et al. (2013) study civilian protection in UN PKO's, using personnel counts as the focal explanatory variable. They offer a classification system that addresses both 'robust' and 'protection' mandates. Although not explicitly reported in their study, Hultman et al. (2013) do improve on PKO protection indicators by differentiating 'protection of civilian' (POC) mandates from non-POC mandates by introducing a POC dummy variable. 'Robust' versus 'non-Robust' mandates are treated in the same way. However, the dichotomies that this schematic casts peace operations as either 'robust' or not, or 'POC' or not and overlooks the potential impact of 'robust POC' operations, which may be more or less effectual than the sum of their parts. In fact, there are far more cases of POC and robust mandates together than not. Table 6 shows that exactly 247 mandates can be classified as both, in contrast the 53 instances of one or the other being present in a mandate.

Table 6 Frequencies (count of months) of mandate by combination type

Mandate Type	Frequency	Percent
None	3,672	92.45
POC or Robust	53	1.33
POC & Robust	247	6.22

In accounting for the impact of specific language, this classification scheme is too blunt to provide telling information regarding the impact of mandate on civilian protection.

Nsia-Pepra (2016) study also explores civilian protection specific to 'robust' UN PKOs. While he is innovative in his grappling with what 'robustness' means in the field—for instance, what arms are used, he does not sufficiently account for what tasks are sanctioned or under what authorities Nsia-Pepra (2016, pp. 82-4). Further, Nsia-Pepra does not characterize mandates at all in terms of protective qualities. This study singularly sheds light on the relationship between permissive aspects of operations and does not reveal anything about the impact of protection an on protective outcomes.

Murdie and Davis (2010) apply a human rights approach to protection. Two of their main independent variables concern operations' *purpose(s)*, categorizing operations as 'mediation' or 'humanitarian'. These classifications are derived from the *Third Party Interventions in Intrastate Disputes* (TPI) dataset (Mullenbach and Dixon, 2013). Further, while the 'humanitarian' purpose category might include physical protection, it does not necessarily do so, and over the course of peace operation history it usually has not—at least not in practice. Also limiting is that observations are recorded on a yearly basis, making for few and static observations.

This overview of peacekeeping data shows that there is a host of categorization schemes from which mandate data might be coded. While some of these do include protective or humanitarian categories, none reflect the nuance that exists across protection mandates.

The PKO Protective Language Dataset (PKO-PLD)

The PKO-PLD adds to the existing data in a unique capacity. It takes a three-tiered approach to mandate coding, focusing on *directives, authorities,* and *caveats.* In this section I describe the process of generating the dataset and explain the choice of observation unit, coding procedure, and adjustments made to existing protection-related variables.

The unit of observation for this dataset is the mandate-month. I choose month, rather than year, for two reasons. First, with few exceptions, the smallest unit of time for which a mandate will be authorized is a single month.[59] As such, using the month, rather than the year, allows changes in language to mimic those in practice. The mandate component of the unit is disambiguated by location to account cases of single states hosting multiple peace operations.

Mandate-month accounts for other complex situations in which there may be more than one conflict within a single country with at least one operation working under different mandates. For instance, in 2006 the UN Mission in Sudan (UNMIS) acquired a second mandate when it was expanded to include the Darfur region. In contrast, MINURCAT operates both in the Central African Republic (CAR) and Chad—neither of which is host to a conflict. Although a single operation, its mandate differs by country, with significantly more resources and permissions in Chad than in CAR. By disambiguating mandate by location, the observations better represent the realities on the ground. Example 1 (below) delves further into this case.

Classifying peace operations for the PKO-PLD

Mandates are the product of a long, dynamic, and nuanced negotiation such that each word is subject to debate. Further, the language used is not standardized in terms of implications or definitions and is unlikely to be so any time soon. What has various language meant in practice? Are there trends, or does negotiating for stronger language obstruct deployment and, in effect, hinder civilian protection?

Answers can only be drawn with attention to the wording of mandates. Interpreters of mandates are responsible for conducting operations that reflect this language. They must discern *who* is protected, by what means, and under what circumstances. This dataset recognizes that while all are protected under the international human rights law, different

[59] There are, however, cases in which the mandate is set to expire in a few days or weeks; but this is rare.

populations of civilians may not be protected in the same way under various PKO mandates. This is indicative of an important discontinuity between what international law demands from peacekeepers, and what the UN does. By using disaggregated language, researchers and politicians can approximate what words mean by assessing their effect *post hoc* – even if initial and underlying intentions are ambiguous.

Protected Populations

This dataset identifies three categories of civilian: local, UN, and humanitarian personnel.[60] Historically, the Security Council often authorized PKOs to singularly protect UN personnel and equipment. As attacks on humanitarian convoys became more prevalent, protective measures were likewise afforded to them. The POC mandate is the most recent of these and pertains to resident civilians.[61] In the PKO-PLD, each mandate component is coded according to the population to which it refers. Example 1 demonstrates the advantages of attentiveness to target populations in coding mandates.

Example 1

MINURCAT is the first strictly 'humanitarian mission.' It was authorized in 2007 to monitor and safeguard refugee camps hosting civilians displaced by the conflict in Darfur. As explained above, MINURCAT is one operation that works in two different countries and under

[60] The dataset also includes the "environment" and differentiates mandates authorizing protection of humanitarian personnel from those using phraseology such as 'creating an environment conducive to the delivery of humanitarian assistance.' Such language does not fall squarely in any of the other population categories. It is therefore coded separately but is not crucial to this particular discussion.

[61] See Annex I for independent variable coding scheme.

different mandates. Among other differences between the two is the specification of civilians designated as targets of protection:

> MINURCAT, acting within its means and capabilities and where possible in consultation with the Government of Chad, shall be authorized to respond to imminent threats of violence to civilians in its immediate vicinity (S/RES/1923 (2010)).

This mandate specifies civilians as the targets of protection. In contrast, the protective capacity of the contingent in the CAR is restricted to the security of United Nations personnel and equipment. The Security Council authorizes the CAR contingent of MINURCAT only

> […t]o protect United Nations personnel, facilities, installations and equipment (S/RES/1861(2009)).

Figure 9 provides a pictographic representation of the stark differences between the MINURCAT mandate in the CAR, and that in Chad:

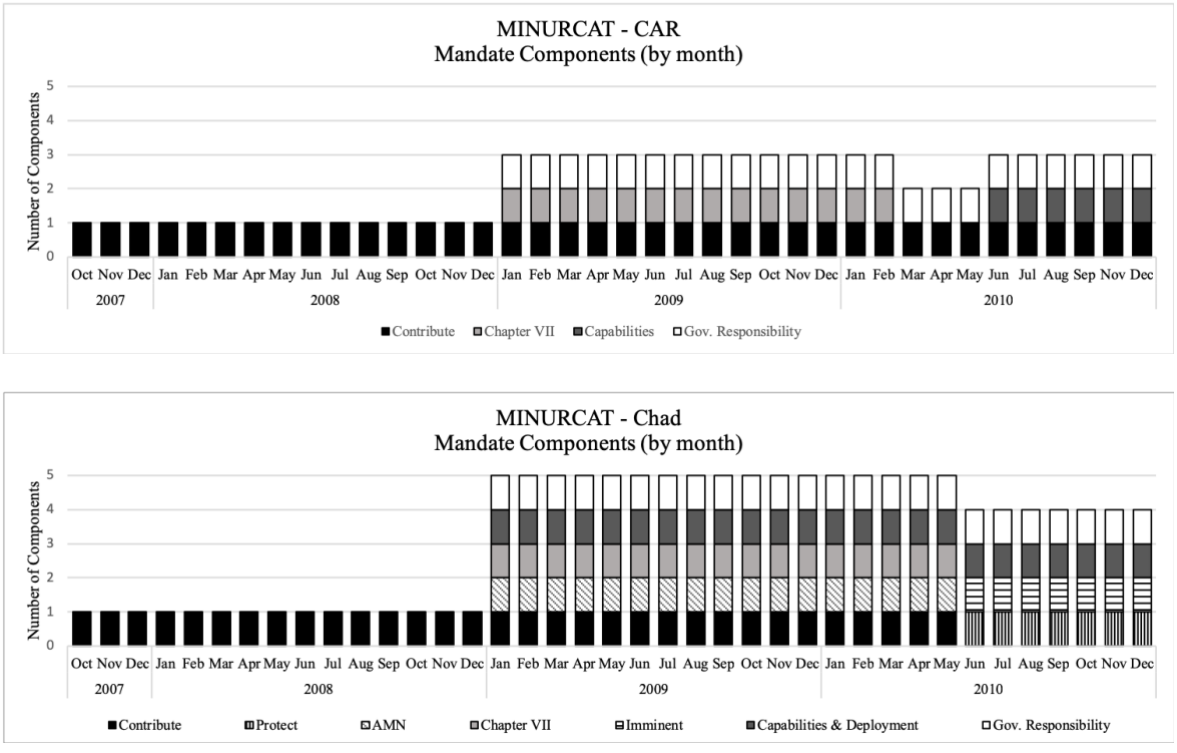

Figure 9 MINURCAT components by location

These mandates differ based on geographic location meaning that coding needs to reflect the simultaneous MINURCAT mandates. The PKO-PLD is well suited to these situations.

Coding mandate components

The dataset distinguishes three categories of protective language: 'directives', 'authorities', and 'caveats', each of which is coded according to the mandate text and with respect to the population(s) to which the language applies. If the resolution refers to a Report of the Secretary General for the mandate, protective clauses are considered incorporated by reference and coded in the same way as directives explicitly stated.[62]

Directives

As stated, the three 'directives' explored in this dissertation are *contribute* [to protection], *ensure* [protection], and *protect* civilians. This selection comes from Klappe's recommendation that

> [a]ttention should be paid to precise wording. It raises questions whether there is a difference in execution of the mission when the wording reads 'to protect', 'to ensure', or 'to contribute' (Klappe, 2011, p. 146).

Each 'directive' is assigned a value based on the population to which it pertains (see Annex 1).

Authorities

For the purposes of this dataset, there are three 'authorities.' First, and common throughout peace operation studies, is whether or not the 'directive' (see above) is expressly

[62] ONUMOZ is one such example. The authorizing resolution does not state any of the terms of the mandate. Rather, it '[d]ecides to establish a United Nations Operation in Mozambique as proposed by the Secretary General and in line with the General Peace Agreement for Mozambique' (S/RES/797 (1992)).

authorized under Chapter VII. The next two 'authorities' reflect whether or not means authorized are 'all' encompassing or capped at what is 'necessary'. Three dummy variables account for the different authorities for each target population.

Caveats

'Caveats' are explicitly stated limitations to the circumstances, under which PKOs are permitted—or expected—to act in defence of civilians. As in the case of the 'directives' above, the following three phrases are coded according to their target population(s): 'imminence', 'capabilities and areas of deployment', and 'without prejudice to the responsibilities of the host government'.

The first of these requires that the threat posed to civilians be 'imminent' before action is triggered. Owing to the ambiguous nature of the term, this can have a limiting effect which may deter preventive action. The inclusion of this caveat may be used to reign in the possibility of pre-emptive force, or to reduce the risk of the PKO being perceived as party to the conflict. However, its inclusion may make PKOs reluctant to act even when legitimate.

For instance, the original mandate for the UN Mission in South Sudan (UNMISS) predicated action on 'imminent' threat. In 2015 this caveat was removed from the mandate. While it is impossible to say precisely on what grounds this decision was made in the case of UNMISS, it is plausible that the upswing in violence against civilians earlier that year signalled a need to empower peacekeepers to act in a more decisive and preventive capacity (HRW, 2015). The removal of this 'caveat' suggests that there is a certain degree of agreement that mandate language can shape protective efforts on the ground.

The second caveat addresses whether or not the mandate expressly considers resource shortages and geographic dispersion as a hinderance to operations. While it is true that most references to resources (geographic, human, and material) can be used as a scapegoat in instances in which PKOs failed to act, they may also be beneficial by limiting civilian

expectations and discouraging civilians from taking unnecessary risks. Further, in some cases the language simultaneously demands that PKOs prioritize certain functions. Protection is often principle among them. These caveats are coded according to the populations to which each clause or word pertains.

The third 'caveat' included in this dataset is whether or not the operation is explicitly authorized to act 'without prejudice to the [responsibilities] of the government'. This phrase predicates action either on the government's permission to act, or its inability or refusal to meet its protective responsibilities under international law (Holt et al., 2009, p. 44). This phrase may also have a strategic political function. While it may appear as a 'caveat' for taking protective measures, it could equally be included to quell antagonism from the host state that might arise at the prospect of a military intervention.

'Directives', 'authorities', and 'caveats' are hallmarks of the POC mandate and often appear in combination. Example 2 illustrates how these fit together, and how they might change over time:

Example 2

Over the course of the UN Organization Mission in the Congo (MONUC) the Security Council used a variety of mandate language. It operated under two different 'directives' and with each of the 'authorities' at various points and was subject to various 'caveats'. These pertained to different populations throughout its deployment. In 2002, the Security Council…

> [a]cting under Chapter VII of the Charter of the United Nations, decide[d] that MONUC may take the necessary action...to protect United Nations and co-located JMC personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence" (S/RES/1291(2000)).

The next substantive change to the mandate augmented the authorities granted, allowing it

> …to use *all necessary means*, within its capacity and in the areas where its armed units are deployed, to […]
>
> (b) ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence,
>
> © ensure the protection of United Nations personnel, facilities, installations and equipment, [and]
>
> (d) to ensure the security and freedom of movement of its personnel… (emphasis added) (S/RES/1565 (2004)).

The differences of language between the three populations and across the two mandates are charted in Table 7 below:

Table 7 Language and Populations Designated in MONUC Mandates in Resolutions 1291 and 1565

Dataset	Protected Population	Authorities	Directive	Caveat
S/RES/1291 (2000)				
HKS	Civilians	'Robust'	'POC'	NA
PKO-PLD	UN Personnel	• Chapter VII • 'Necessary means'	'protect'	NA
	Civilians	• Chapter VII • 'Necessary means'	'protect'	'imminent threat of physical violence'
S/RES/1565 (2004)				
HKS	Civilians	'Robust'	'POC'	NA
PKO-PLD	UN Personnel	• Chapter VII • '*All* necessary means'	'Ensure'	• '[w]ithin its capabilities and areas of deployment'
	Civilians	• Chapter VII • '*All* necessary means'	'Ensure'	• '[w]ithin its capabilities and areas of deployment' • 'imminent threat of physical violence'
	Humanitarian Personnel	• Chapter VII • '*All* necessary means'	'Ensure	• '[w]ithin its capabilities and areas of deployment' • '[under] imminent threat of physical violence'

Table 7 shows the differences between the language used in Resolution 1291 (2000) and the subsequent changes to it in Resolution 1565 (2004). It is disambiguated by the populations that it addresses, and the evolution of the language used to protect them individually. It also reveals the differences this makes for coding by comparing the language as it pertains to particular resident civilians, UN, and humanitarian personnel. The Hultman et al. (2013) classification strategy does not capture differences between the two mandates and does not account for caveats. The PKO-PLD tackles both each of these issues

While the theme of intervention, and attention to UN operations permeates all of the datasets discussed, the intricacy of the PKO-PLD makes a singular contribution to the growing field of protection studies. **Error! Reference source not found.** shows the differences between them and highlights the nuances introduced through this dataset.

Table 3 Protection Indicators and Properties of Existing Intervention Datasets versus PKO-PLD

Dataset	Unit of Observation	Start Year	End Year	Total Observations	UN only	Mandate Specifications and/or Protection Components
PKO-PLD (2018)	Mandate-Month	1988	2015	4521	4521	'directives', 'authorities', and 'caveats'
Beardsley and Gleditsch (2015)	Conflict-Year	1989	2010	371	371	Robust (≥ 1,000 troops deployed) vs. Non-robust (<1,000 troops)
Hultman, Kathman, and Shannon (2013)	Operation-Month	1991	2008	3972	3972	- 'POC' versus 'Robust' mandate
International Military Intervention (IMI) (2008)	Mission	1989	2005	444	53	'social protection' or 'humanitarian' intervention
Nsia-Pepra (2014)	Mission-year	1956	2006	240	240	Use of force for self-defense versus protection of civilians
Third-party Interventions (TPI)	Operation-Year	1946	2007	13048	85	Includes a 'humanitarian purpose'

The comparisons in **Error! Reference source not found.** above shows the PKO-PLD to have a more nuanced approach to mandate and civilian protection specifications. Whereas the others tend towards a binary approach, the present dataset classifies mandates on the basis of three

components. This adds a useful layer of dimensionality, with the benefit of better articulating the profile of objectives, means, and constraints with which an operation is endowed.

Contributions and Conclusions

The PKO-PLD's primary contribution to the study of peacekeeping is its multi-tiered description of peace operations' civilian protection objectives and functions. It recognizes that foremost, a POC operation is characterized by its mandate, and not troop size or weapons. It moves away from proxy indicators for tasks, instead focusing on the source of the specific content of POC mandates. It also incorporates multiple civilian populations and is unique among existing data in this respect.

The availability of these data opens the field to new areas of research. Questions concerning the impact of mandated security measures on humanitarian work, and on the civilian components of UN operations can begin to be addressed. It does not prescribe a specific set of dependent variables. This allows for studies that link mandate to PKO resource allocations, as well as protection outcomes beyond lethal violence. Taking an expanded view of protection opens the way for human rights research and offers actionable recommendations in the form of mandate-language specifications. Through usage in quantitative research, the data introduced can assist in determining the relationship between mandate language and protective outcomes, when combined with a range of dependent variables, thereby helping to improve protection of civilians by PKOs.

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Paper 4: Spelling Out ‘POC’ Mandates: the role of language in successful implementation of a protective mandate

Introduction

Despite increasingly robust mandates[63] and the mainstreaming of human rights protection into peace operations, civilians constitute the majority of casualties in armed conflict.[64] The first 'protection of civilian' (POC) operation was authorized in 1999 in response to widespread killings, mutilation, and rape of civilians in Sierra Leone. Most mandates since have also included language that provides troops with the authority to protect civilians, yet there have been significant discrepancies in protective outcomes. Mandates are legally binding documents produced through an intensely political process. Each word included is the product of negotiation and debate, and each contributes to the construction of a legal framework specific to the operation. But while the precise wording of mandates may hold political importance for member states and have legal implications, research so far has not established whether they matter in practice. Accordingly, in this paper I ask whether mandate wording affects the ability of peacekeeping operations to reduce civilian casualties.

One pervasive opinion among experts is that ambiguity of mandate language is the culprit in the failure of peace operations to protect civilians (Nadin, 2014; Raghavan, 2014).

[63] In a controversial decision, the Security Council passed S/RES/2098, which authorized the expansion of the UN Stabilization Mission in the Democratic Republic of the Congo's (MONUSCO) mandate to, 'on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping, include an "Intervention Brigade…with the responsibility of neutralizing armed groups as set out in paragraph 12 (b) below and the objective of contributing to reducing the threat posed by armed groups to state authority and civilian security in eastern DRC"'(S/RES/2098 (2013), para. 9 & 12(b)).

[64] See all thematic Reports of the Secretary General on the Protection of Civilians in Armed Conflict; the most recent being S/2013/689, in which paragraph 8 states: 'Civilians continue to account for the vast majority of casualties in current conflicts. They are regularly targeted and subject to indiscriminate attacks and other violations by parties to conflict.'

This claim has an intuitive bite; but ambiguity may also have its advantages. For instance, ambiguity permits flexibility that may lead to a more permissive approach to taking robust measures in the face of unpredictable developments. On the other hand, troops may be weary of overstretching their authority by using force without explicit authorization to do so. Yet the degree to which this language matters on the ground has not been assessed empirically.

While the POC concept was not utilised until 1999, the Security Council has passed resolutions expressing concern for the welfare of civilians since the earliest days of peacekeeping.[65] The protection of civilians was codified in international customary law long before the drafting of the United Nations Charter.[66] Yet, violence against civilians remains a strategy, and not just a consequence of conflict (Stepanova, 2009, p. 67). Directly or indirectly, this development has inspired the Council to identify protection of civilians as a primary peacekeeping objective.

At the same time, an increasingly prevalent view among legal experts is that in light of the 'purpose and principles of the United Nations' (UN, Aritcles 1 and 2), authorizing operations under Chapter VII is sufficient to trigger protective action, including the use of lethal force (van der Lijn, 2013). This sentiment is also alluded to in the 2000 Brahimi Report:

> Rules of engagement should not limit contingents to stroke-for- stroke responses but should allow ripostes sufficient to silence a source of deadly fire that is directed at

[65] However, these references may not have been included in the mandate itself, but in the preamble of the resolution in justification of the operation.

[66] For instance, the Hague Conventions (1907), the Geneva Conventions & Protocols (particularly Convention (IV) - relative to the Protection of Civilian Persons in Time of War (1949).

> United Nations troops or at the people they are charged to protect (The Panel on United Nations Peace Operations - chaired by Lakhdar Brahimi, 2000).[67]

Despite this paradigmatic—if not doctrinal—shift towards assuming protective objectives, the demand for specificity with respect to civilian protection has increased.

In fact, the Council has failed even to articulate what 'protection of civilians' actually entails. Of its *Glossary of UN Peacekeeping Terms,* the UNDPKO Training Unit explains:

> Over the years the UN has developed *a distinctive way* of describing aspects of peacekeeping. The following glossary contains a brief compilation of *terms used in missions around the world*. Although there is *no official document defining terms* used in the mission, these terms are the most frequently used" (UNDPKO, 1998a) (emphasis added).

The statement above has three important implications for this paper. First, it suggests that there is a 'language' specific to peacekeeping. Second, it is a language of undefined and ambiguous terms. And finally, although the language is informal and without definition, there is some *common* understanding of it. Holt and Berkman observe 'there is no common terminology to identify such missions or the likely tasks "triggered" by a mandate to protect civilians' (2006, p. 103). The language promotes a very general philosophical doctrine of peacekeeping that is sufficient to draft a mandate; but is demonstrably insufficient to implement one. Further to this point, in an inquiry commissioned by the Department of

[67] According to the US Department of the Army, 'rules of engagement' (ROEs) are the commander's rules for the use of force in a military operation (Department of the Army, 2000, Section 8.2.1). The UN defines ROEs as '[d]irectives issued by DPKO that specify the way how units in PKO's have to act with hostile parties and the population' (UNDPKO, 1998b)

Peacekeeping Operations (UNDPKO) and the Office of Humanitarian Affairs, researchers lament that 'the protection of civilians has not been addressed squarely by the Council to describe precisely what peacekeeping missions are to do as tasks, how they should interact with complementary humanitarian protection actors, or how to measure the result' (Holt et al., 2009, p. 63). In the following section I present a review of contemporary literature on civilian protection and mandate influence. The remainder articulates theory-driven hypotheses to explain the relationships between the use of specific terminology with protective outcomes, which are then tested. The analysis in this paper finds that there is a relationship between phraseology and protective outcomes.

Literature Review

The UN first introduced the 'Protection of Civilians' (POC) mandate in 1999, with protection since becoming a prominent component of new operations.[68] Lawyers, in particular, have weighed in on this phenomenon. Wills provides an overview of early peace operations' approaches to civilian protection and the evolution of their responsibilities to civilians under human rights and humanitarian law (2009, pp. 1-87). 'Pen-and-paper' norms have certainly evolved in this area. In 2005, the World Summit unanimously accepted the 'Responsibility to Protect' (R2P) norm, which obligates states to undertake intervention in the face of genocide, war crimes, crimes against humanity, and ethnic cleansing, when perpetrated or mishandled by governments (UNGA, 2005). In advance of its acceptance, the legal basis and theoretical application of such a norm was widely discussed in legal arenas (Evans, 2009; ICISS, 2001; UNGA, 2005). Cohen and Deng (2016) propose that the chief

[68] With the exception of UNIFIL, no mandates for operations authorized before the initial POC mandate have been updated. This is largely attributable for the "maintenance" function of the long-standing operations.

property of the modern State is ‘responsibility’ to its citizens, and not ‘sovereignty,’ as convention suggests.

While there might be a temptation to conflate ‘R2P’ with ‘POC’, Foley argues that doing so is inappropriate (2017, pp. 52-57). He cites the *Report of the Secretary-General on the protection of civilians in armed conflict*, S/2012/376, 22 May 2012, para 21, which explains that POC ‘is a legal concept based on international humanitarian, human rights and refugee law, while the responsibility to protect is a political concept’ (Foley, 2017, p. 53). This difference is important. For instance, R2P cannot 'govern' conduct in the field. It does not specify what force is permissible, or how much is appropriate. Rather, it provides a conceptual framework for intervention with little practical guidance on using it. Lacking this framework, the R2P-based intervention in Libya raised questions sure to influence the trajectory of this norm, namely ‘have been proportional to the aim of the protection of civilians’ (Henderson, 2011, p. 769). There is little evidence that despite the catastrophic loss of life among civilians that continued throughout – and perhaps, resulted from –the intervention, any violation of the concept of R2P can be asserted. To some extent, within the bare-bones framework, these civilian deaths could be seen as ‘collateral’ in the fight for civilian protection.

Further, the ‘Responsibility to Protect’ does not categorically incite civilian protection. Its application is limited to four types of crisis, as articulated above, and accommodates rather than compels coordinated international action, as one might (or hopes to) find in peace operations. Bellamy and Williams (2011) use R2P to discuss this theoretical and ideological shift, referring to it as an emergent ‘politics of protection’ and argue that it is manifest in (among other things) the Security Council’s routine willingness to authorize use of force to protect civilians. Bellamy and Williams are nevertheless troubled by the

> unresolved questions concern(ing) the interpretation of Council resolutions, the relationship between protection and other goals, the relationship between the Security Council and regional organizations, and how protection mandates can be effectively implemented (2011, p. 286).

In raising these particular concerns, Bellamy and Williams draw attention to ambiguity concerning humanitarian norms and mandate specifications, and how these might affect the protective outcomes. In theory, the solutions to the concerns and answers to their questions should be found in the mandate. Often, they are not. But this is not to say that the 'POC' mandate is too abstract to be useful, as has been shown to varying degrees, and in varying capacities in empirical political research.

Murdie & Davis (2010) informally study this relationship,[69] focusing on human rights protection. They find that the presence of peacekeepers in the wake of conflict does not improve human rights, but that explicitly 'humanitarian' operations do. However, the utility of this study for contemporary insight is limited by the time frame covered (1980 until 2004). While there is little consensus concerning consistency in the nature of conflicts covered in this timeframe, and conflicts since, it is without question that the nature of peace operations has changed.

Hultman et al. (2013) study protection in peace operations from 1991 to 2008 in Africa. They study the impact of personnel count on one-sided violence.[70]. They find that

[69] I call this linkage 'informal' because the paper does not explicitly invoke the 'POC' mandate or concept. This may be, in part, because the relationship between 'POC' and non-lethal threats was tenuous. It is included in this review because human rights norms increasingly permeate the POC discussion, and their findings are relevant to the study underway.

[70] Casualties resulting from the targeting civilians. See (Eck and Hultman, 2007)

different personnel types are inconsistent in their influence on the prevalence of this particular type of casualty. The number of troops and police reduces deaths associated with one-sided violence, while such casualties increase as the number of military observers grows.

Currently legal and political studies in this area run parallel, but rarely engage with each other. Clearly, there is considerable room for intersection. By placing 'POC' studies within a legal framework, results derived can better reveal the implications and associated possibilities that arise. This paper complements the literature outlined above by placing the 'POC' language within the framework of international human rights law to glean insight into how mandates impact protection of civilians in peace operations.

Theory

Doctrine and Directives

With criticism directed at the ambiguity of Security Council authorized mandates, some have called for the further articulation of particular words and phrasing within mandates. Humanitarian law expert Colonel Ben Klappe remarks 'attention should be paid to precise wording,' and suggests that despite their similar connotations, three actions in particular require special attention: 'there is a difference in the execution of the mission when the wording reads: "to protect", "to ensure protection", or "to contribute to protection"' (Klappe, 2011, p. 146). He argues that these seemingly benign difference in terminology may translate into substantially different directives within the rules of engagement (ROEs), and these subtle and often overlooked nuances may have substantial implications for the effectiveness of POC mandates. Indeed, the rules of engagement (ROEs) are derived from this language and are both product and object of policy (Headquarters, Department of the Army, 2000, Section 8.2.1 & 8.2.2).

‘Directives’ are communications that govern particular actions and articulate the parameters within which it may be pursued to secure an objective. Generally speaking, they are either ‘effective immediately’ or triggered in the event of a stated contingency (US Department of Defense, 2005).[71] Although the directives as such are contained in the Rules of Engagement, I use the term to refer to the specific actions authorized by a given mandate. This decision is justified on the basis that the rules of engagement are the interpretations of the mandate language that have been transformed into particular commands directed at those working for a given operation. In essence, the actions included in the mandate serve as ‘intructions’ from which the operational ‘directives’ are derived. Consistent with Klappe’s recommendation, this paper concerns itself with the three recurrent, overlooked, and potentially influencial actions: ‘to contribute (to protection of civilians)’, ‘to ensure (protection of civilians)’, and ‘to protect (civilians).’

Even a cursory examination of the relationship between civilian casualties and directives suggests that Klappe’s proposition is worth pursuing. Figure 10 illustrates this relationship, and substantites the need for further study.

[71] The US Department of Defense provides a comprehensive definition:

> 1. A military communication in which policy is established or a specific action is ordered.
>
> 2. A plan issued with a view to putting it into effect when so directed, or in the event that a stated co ntingency arises.
>
> 3. Broadly speaking, any communication which initiates or governs action, conduct, or procedure” (US Department of Defense, 2005).

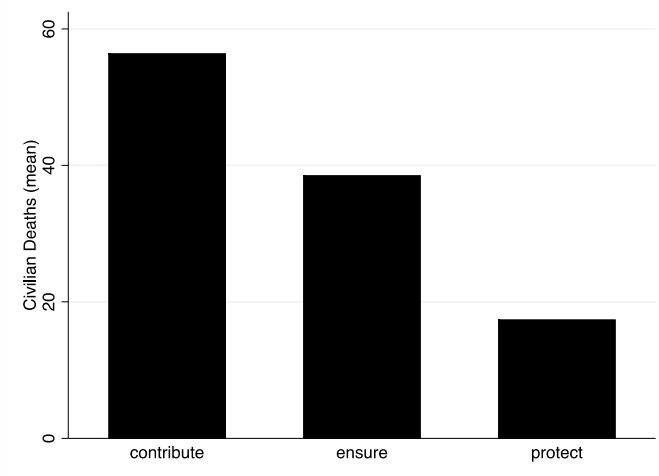

Figure 10 Distribution of civilian casualties by directive for mandates with protective components[72]

The figure charts the number of civilian casualties in the month following the issuance of a particulrly-worded mandate, and is confined to mandates with protective components. What about these particular phrases can account for such a difference in civilian protection?

Contribute

Throughout the Cold War, and indeed well into the 1990s, the 'contribute' directive was a hallmark of peace operations. The prospect of the UN making a 'contribution' to states' efforts at peacemaking, development, or democratization allows recipient states to preserve its sense of sovereignty, and is arguably more palletable than more imposing language.

When there is 'a peace to keep' this language is sensible, and protective needs are often minimal.However, issued in reference to protection, directing troops to 'contribute' becomes ambiguous, and so, I proposeprotection wanes. There are also fundamentally linguistic reasons to expect this. For one, 'contribute' relegates the principle duties of

[72] See appendix for figure including mandates without protective elements.

protection to other actors pursuing the same objective. The operation is committed only to assuming a supporting role in the effort. Second, this language does not place the burden of success on the operation itself. An operation can successfully 'contribute' to an effort, even if the objective shared with other actors is not accomplished. Finally, and similar to the aforementioned, in terms of accountability for outcomes, only a weak case can be made against an operation's efforts to assist other actors. It is a perfect recipe for responsibility-laundering. Lacking a leading role, charged with a peicemeal objective, and little threat of facing charges of failure or neglect, troops authorized only to 'contribute' to protection of civilians will produce results as weak as the mandated task.

Ensure

The 'ensure' directive goes a step further than 'contribute' in that it does link the operation to the outcome of the protective effort. However, 'ensuring' is a concept more consistent with management than with the actual discharge of protective measures. That is to say, 'to ensure' is a task that consists in guaranteeing the follow-through of the actor charged with protecting civilians. As such, the success of an operation tasked with 'ensuring' protection will be expected to have a more prominent and decisive role in how and whether or not a task is implemented. An operation charged with 'ensuring' protection can be better held responsible for the outcome: the success of an operation with responsibilities to 'ensure' can be measured against outcome, rather than effort.

Protect

Explicitly and directly tasking the operation with the objective of protection links the operation both to its performance in the field and the outcome. As such, mandates charging

the operations themselves with protection will better protect civilians than either those charged with 'contributing to' or 'ensuring' the same.

Authorities

Chapter VII, 'Necessary Means', and 'All Means Necessary' (AMN)

Where 'directives' articulate *what* is to be done, 'authorities' assign operations means of doing it. The figure below presents a puzzle concerning how various degrees of 'authority' to act effect civilian protection.

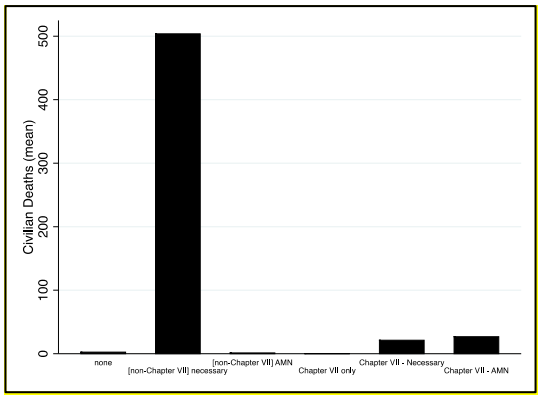

Figure 11 Distribution of civilian deaths over 'authorities'-type

Three clauses are hallmark in UN mandates, and they appear in different combinations across UN mandates with respect to protection. The first is whether or not the operation is *explicitly* authorized under Chapter VII of the Charter.[73] Chapter VII empowers the Security Council to

[73] Note: a mandate may be authorized under Chapter VII without explicit reference, but as this paper is interested in informing mandate-drafting, including explicit authorization under Chapter VII as a variable permits the testing the impact of the language.

> …take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations (UN, Article 42).

While discerning Chapter VII resolutions from non-Chapter VII resolutions is a seemingly straightforward task, it is not without nuance. Because a resolution contains authorization under Chapter VII does not necessarily pertain to the peace operation mandate. The distinction is important as not all elements of the mandate may be subject to that provision. For instance, many resolutions will authorize enforcement of arms embargoes will be issued under Chapter VII, while it may not extend to enforcement of civilian protection. UNPROFOR offers one such example in its deployment to Croatia. The Security Council authorized Resolution 807 under Chapter VII, without reference to civilian protection. Chapter VII authorities were limited to the 'collection and supervision of heavy weapons … and the appropriate withdrawal of forces,' as well as for the security of the troops themselves. At no point is civilian protection raised within the context of Chapter VII permissions. In Chad, MINURCAT was authorized under Chapter VII, but only the Eufor troops were explicitly authorized to use force to protect civilians.[74] The ambiguity in the case of the UN operation, in contrast to the specificity afforded Eufor, would certainly make protective action authority dubious to a commander in the field.

'Necessary' versus 'all means necessary' are so close linguistically that one could argue the difference is semantic. However, a cursory examination of the last twenty years of peace operation mandates suggests that in fact they are hierarchical, with 'all' being a turning point between an average and strong mandate. MONUC's changing mandate in the

[74] Eufor, an operation of the European Union, deployed concurrently with MINURCAT.

Democratic Republic of the Congo is indicative of this. MONUC was established in 1999 in the wake of thousands of civilian casualties. At the beginning of the operation the mandate made no reference to civilian protection. Three months following deployment, the 'necessary' clause was added. Large-scale violence recurred three years later, arguably prompting the introduction of the 'all means' clause, as illustrated in Table 8:

Table 8 Evolution of authorities in MONUC's mandate between 2000 and 2004	
2000	2004
[The Security Council,] Acting under Chapter VII of the Charter of the United Nations, decides that MONUC **may take the necessary action**, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect … civilians under imminent threat of physical violence (S/RES/1291(2000)).	[The Security Council,] Acting under Chapter VII of the Charter … 6. Authorizes MONUC to use **all necessary means**, within its capacity and in the areas where its armed units are deployed, … (b) to ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence (S/RES/1565 (2004)).

Caveaets

In juxtaposition to the permissive category of language above, there is also a standard body of language that limits the scope of means employed in the field. Most POC mandates include at least one of three caveats.[75] I will that these are likely to be detrimental to achieving mission objectives.

Some mandates stipulate that protective action is contingent on the 'immanency' of the threat posed to the civilian population. Other limiting language includes reference to resource limitation, such as 'within capabilities and area of deployment' and deference to the host country: such as 'without prejudice to the responsibilities of the host government'. The UK's 2004 *Draft National Doctrine on the Military Contribution to Peace Support*

[75] 'Caveats' here does not refer to the more practice-based concept of 'national' caveats, whereby troop-contributing countries dictate the terms of their participation in contrast to typical UN force structures and exemptions. For a discussion of this policy concept see (UN Press Service, 2015)

Operations describes these terms to be 'constraints', noting however, that 'they are not normally given the highest priority within the overall UN Security Council resolution' (Development Concepts and Doctrine Centre, n.d.).[76]

Accounting for this language allows for assessment of its impact on peace operations' implementation of protective mandate, or whether or not the comparatively low priority assigned them mitigates the language. The aforementioned terms and their implications are described in more detail below:

Imminence

Most POC mandates stipulate that threats facing civilians must be 'imminent' in order to permit pre-emptive protective measures—namely, use of force. While there is some intuitive logic to this constraint, there are problematic theoretical and operational implications. For one, the word 'imminence' itself is not defined in the international law of armed conflict (ILAC), though various attempts at developing criteria have been proposed (Sofaer, 2003; Svarc, 2006). What is widely established is that the word has a temporal element, and that a degree of certainty exist concerning the existence of the threat (Lubell, 2005, p. 702). The UN Infantry Battalion Manual (UNIBAM) provides a definition for peace operations, but it does little to confront the time conundrum:

> A threat of violence against a civilian is considered 'imminent' from the time it is identified as a threat, until such a time the mission can determine that the threat no longer exists. Peacekeepers with a POC mandate are authorized to use force in any

[76] As cited in (2009, p. 82)

> circumstance in which they believe that a threat of violence against civilians exists (DPKO-DFS, 2012, p. 103)

While this may seem fairly straight forward, it does not adequately address the question of time. For instance, if an unmanned aerial vehicle (UAV) captures footage of a notoriously violent opposition group training near an IDP camp, by the UNIBAM definition, it is conceivable that without even confronting civilians, the very presence of the armed group might satisfy the necessary threat threshold. It is also conceivable that the threat is not immediate enough to warrant action, as no aggressive behaviour has been demonstrated. In such cases, peace operations must commit to consequential courses of action in response to threats that are at the same time both imminent and protracted. The action taken will reflect a particular understanding of the concept, and the choice of one course of action over the other could have serious political consequences—particularly in terms of the peace process and may mean the difference between life and death for civilians should the operation help come too late. Indeed, this single word might mean the difference between mass casualties and adequate protection; or between a shorter, more straightforward peace process and one drawn out by recurrent outbreaks of violence either triggered by, or in retaliation to, pre-emptive action.

Capacity and location

With peace operations, as with much of the UN's work, lack of available resources is a chronic challenge. Mandates often—though not *always*—include the following provision: 'within capabilities & area of deployment'. This constraint, however, goes without saying. So much so, in fact, that operations 'are not *presumed* to have the ability to act in support of the mandate'(Holt and Berkman, 2006, p. 113). Authorization to intervene to protect civilians, therefor, should only produce limited expectation for what degree of

protection civilians might receive. While the Fifth Committee of the General Assembly is charged with managing the UN's budget (UN, 1945, Article 17), the Secretary General's reports to the Security Council include expertly assessed recommendations for resources to be authorized; to the extent that the Council places the ceiling on troop deployment and military resources, it has the power to knowingly authorize missions that are under-resourced:

> … [E]ven when the Security Council includes "protect civilians" in its mandates, additional factors—actual capacity, perceived capacity, and location—are expected to impact whether and how a peacekeeping force carries it out" (Holt and Berkman, 2006, p. 113).

Beyond this intuitive explanation, it is also plausible that the decision to include this language is largely intended to alert the public and the civilians local to areas in which hostile parties are engaged, and that the o the operation may not be able to protect them. That is, it may be that this language serves less as a caveat than as a disclaimer. This may be in response to the widespread misconception of the protective role of UN peacekeeping among the local population in the past, and then discontent and occasionally violent reaction to inaction by peacekeepers. In fact, mandates now often include a component to educate the public about the operation's mandate and capacity and other 'expectation management' projects.

Deference to host country responsibilities

Engaged in conflict or not, governments bear primary responsibility for the protection of civilians. This is a reality under international law, regardless of the inclusion of this language in the mandate. One interpretation of the unnecessary inclusion is that it is merely in deference to the sovereignty of the host state. The language may be a bargaining

chip in negotiations to alleviate the sense that intervention is contrary to the more traditional readings of the Charter. If this is the case, the effects of the provision should be marginal if not negligible. However, POC mandates are authorized in complex situations, and the inclusion of this language could compromise the larger protective function of UN operations. Of this conundrum, Wills (2009, p. 83) reminds:

> The Brahimi report recommended that 'peacekeepers—troops or police—who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles.

And raises the following questions:

> Does the phrase "without prejudice to the responsibilities" of the host government qualify the authorization to protect civilians from violence where the violence that troops witness … is being perpetrated by the host government police or army personnel? Would it be different if the violence comes within the description 'excessive force'? Does the phrase have implications for the division of responsibilities regarding patrolling duties, or disarmament procedures, in a situation where massacres are anticipated?

The answers to these questions bear on the perceived expectations and responsibilities ascribed to the operation. By including the variable, the impact of this potentially tricky constraint may be strategically assessed.

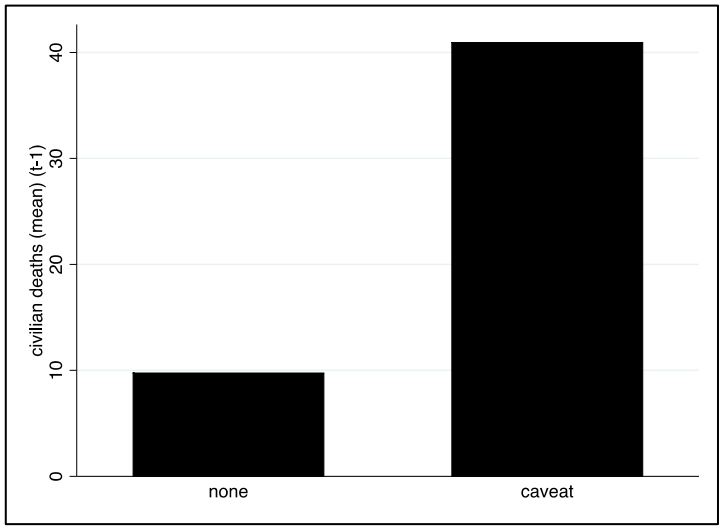

Figure 12 Distribution of civilian casualties over caveat language in mandates with protective components[77]

Based on the theory presented above, I propose the following hypotheses:

> H_1: If a mandate has a directive to 'protect,' it will do so better than a mandate with a directive to 'ensure,' and both either would protect civilians better than a mandate with a directive to 'contribute' to protection.
>
> H_2: If a mandate equips operations with strong authority to protect civilians, PKOs will do so better than if they are not assigned robust authorities.
>
> H_3: If mandates have associated caveats, civilian protection will be decreased.
>
> H_4 If a mandate has strong directives and permissive authorities, and is unhindered by caveats, civilian casualties will decrease.

[77] Frequency of 'caveat' language is 1,427, frequency of 'non-caveat' language is 2,255.

Research Design

The unit of analysis in this study is the PKO-month This decision was made to account for the fact that operations may assume a range of mandates with varying degrees of permissiveness and limitations over the course of a year. It is unusual—though not unprecedented—to find mantes lasting less than a month. While many of the unit observations have the same values, consistent with the duration of the mandate, this was the only way to account for the variation in mandate language that can occur in a short amount of time. The PKO-month also allows for a more specific account of the dependent variable.

Dependent variable

The present study uses the number of conflict-related civilian deaths, as reported in the *UCDP Georeferenced Event Database (17.1)* (Croicu, 2017; Melander and Sundberg, 2013), and adjusted to better estimate casualties in the area to which peace operations are deployed. Coordinates provided by the *UCDP GED* were used to locate specific sites of violence against civilians. That is, all incidents in a given province where PKOs are deployed, according to UN reports and peace operation deployment maps, were included in the dataset used for this paper.

This concept of 'civilian' diverges from that of previous studies which tend to consider only deaths attributable to one-sided violence (OSV). The information derived from this approach is valuable but reflects a strictly humanitarian law-based approach to civilian casualties.[78] In contrast, I take a human rights perspective on civilian deaths. Violence

[78] Neither the OSV, nor the GED make any specific reference to a body of law in their coding. However, by including deaths outside of targeted killings, the GED reflects a human rights perspective, while the OSV best aligns with a humanitarian law approach.

against civilians is a violation of human rights law and, though not absolute, the right to life is non-derogable.[79] Humanitarian law, in contrast, forbids targeting of civilians, but allows for civilian deaths so long as due diligence was taken in targeting a military object.[80] Whether or not peace operations improve protection of civilians is of interest here. The dependent variable is forward lagged one month, to account for an adjustment period that might require changes to ROEs that typically require negotiation between the field commanders and the Secretariat.

Independent Variables

Language used in peace operation mandates is the independent variable in this study and is operationalized in the form of dummy variables for each relevant word or phrase (set out in the theory section), such that a '1' is assigned if a particular term exists in the mandate in the corresponding observation, and '0'if it does not. This is an original dataset coded directly from all mandates for operations that were active between 1990 and 2015.

[79] The right to life is guaranteed under Article 6(1) of the ICCPR (1966), which stipulates that '[*e*]*very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.'* The circumstances under which the right to life can be 'violated' lawfully in times of conflict are detailed extensively in Paper 1. It is worth mentioning that the right is also derogable in certain peacetime situations. For instance, Article 6(2) of the ICCPR, States in which capital punishment is lawful, can execute individuals so long as it is 'carried out *pursuant to a final judgment rendered by a competent court.'*

[80] In the supplementary material I also calculate the impact of mandate language on civilian casualties *and* unknown casualties. I do not include it in this substantive paper because casualties of unknown side, but known combatant are coded the same as those who are potentially civilians. The existence of perfidy and ruses in conflict, and the difficulty of documenting such instances, suggests that the including 'unknown' casualties in the models presented here might distort the findings by inflating the number of civilian casualties.

With the exception of year, I lag all control variables in the models below. Further civilian incident count is a new variable. Where other studies have used a dummy variable for whether or not an incidence of violence against civilians occurred for a given observation, I use a count of how many incidents of violence occurred when a civilian could have been killed.[81] This is a useful contribution, particularly in the context of human rights research, as it includes combat situations in which civilians were exposed to risk, but not targeted. Rather than a generic measure for intensity of targeted violence, it controls for exposure, in contrast to the dependent variable, which tracks the damage done. This adjustment makes the study situationally-sensitive, human rights oriented, and reflective of field-based realities. Another variable introduced here is a calculation of the effected population density. Troop presence is also accounted for differently. Rather than raw counts, figures are adjusted based on the effected land area (described above) in which incidents of violence occurred and where a PKO was present. These are the 'troop-density' figures in the models that follow.

I first address the potential for reversed causality to undermine the findings of this study. That is, it is plausible—if not expected—that the number of civilian casualties influences the strength of the mandate, as expressed in the language utilized. I use a logit model to test for this. In the logit models, each of the categories of language ('directives,' 'authorities', and 'caveats'), as well as interactions between authorities and directives, are used as dependent variables. These dependent variables are forward lagged three-months, which is a standard interval for mandate review and renewal. It also allows for communications of incidents between field officials and the Security Council, so that they can be considered in decision-making. Control variables are also used in the model, and include the effected land area, which is constructed from the social borders (for instance,

[81] See Appendix for more detailed explanation of coding process.

province) that correspond to incidents of violence reported in the GED dataset. This variable is an adaptation of the typical 'land area' variable that is often used in PKO and conflict research. It is advantageous in that it minimizes the risk of over-stating casualties that are not within the area of the PKO's control, or under-stating conflict-intensity, by controlling for a much larger area than is relevant to the analysis. I also control for the effected population, which is calculated on a similar basis. Figures for populations local to effected areas are collected from various government, international organization, and other statistical websites and databases.

Conventional control variables are also employed. These include the number of months since the conflict began at the point of a given observation, as reported in the UCDP Conflict Database. *Battle-related violence* (BRV) includes casualties on both sides of a given conflict and excludes civilians. A dummy for whether or not the year of the observation in question is considered a conflict-year is also included. According to UCDP, this requires a minimum of twenty-five battle deaths on each side of the conflict over the course of the year. *Year* is the final control. There is a strong correlation between directives and time, for which *year* controls. Each model is clustered by PKO. Table 9 reports the relationship between civilian casualties and each of the directive:

Table 9 The effect of past civilian casualties on directives language

VARIABLES	(1) 'Ensure'$_{(t+3)}$	(2) 'Protect'$_{(t+3)}$
All civilian deaths	-0.000524	-0.000150
	(0.00100)	(0.000435)
Affected population	2.37e-07***	-1.84e-07***
	(7.35e-08)	(7.07e-08)
Land area km2	-4.98e-06**	3.53e-06***
	(1.96e-06)	(1.03e-06)
Duration	-0.00200	-0.00472***
	(0.00427)	(0.00144)
All BRV	0.00718*	-0.00363*
	(0.00419)	(0.00188)

Conflict (dummy)	1.038	-1.142*
	(0.856)	(0.609)
Year	-0.0901	0.203**
	(0.130)	(0.0952)
Constant	177.0	-404.0**
	(262.0)	(190.8)
Observations	1,449	1,449
Clusters	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

With the exception of the 'to contribute' directive, which does not converge, the results above show that there is no evidence of reversed causality, as there is no statistically significant relationship between the number of civilian casualties and a given directive.

Table 10 reports on the relationship between civilian casualties and the choice of 'authorities' language.

Table 10 The effect of past civilian casualties on individual 'authorities' language

VARIABLES	(1) 'Necessary'$_{(t+3)}$	(2) 'All Means Necessary'$_{(t+3)}$	(3) Chapter VII$_{(t+3)}$
All Civilian Deaths	0.00141	-3.48e-05	-0.000407
	(0.00248)	(0.00151)	(0.000458)
Affected Population	-4.63e-08	2.42e-07***	-1.37e-07
	(8.74e-08)	(6.49e-08)	(1.05e-07)
Land Area (km^2)	6.65e-07	-1.89e-07	3.20e-06*
	(9.13e-07)	(2.67e-06)	(1.74e-06)
Duration	-0.00634**	0.00593***	-0.0108***
	(0.00289)	(0.00228)	(0.00279)
All BRV	-0.000836	0.00639	0.000597
	(0.00220)	(0.00545)	(0.00172)
Conflict (dummy)	-0.552	3.400***	1.445**
	(0.933)	(1.082)	(0.615)
Year	-0.100	0.377***	0.333***
	(0.105)	(0.103)	(0.0842)
Constant	200.8	-760.7***	-663.9***
	(210.1)	(205.7)	(167.9)
Observations	1,449	1,449	1,449
Clusters	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

The results above show no evidence of a relationship between civilian casualties and choice of 'authority' language.

Unlike 'directives', 'authorities' can appear together, and do so more often than not. Below is a frequency table substantiating the need to account for authorities—and combinations thereof—in tests both for reverse causality, and in the primary models later on in this paper.

Table 11 Frequency of combinations and individual authorities language

Type	Sum	Authority Language	Count
Individually-appearing authorities	474	Necessary' (only)	36
		All means necessary' (only)	148
		Chapter VII' (only)	290
Combined authorities	793	Necessary' under Chapter VII	193
		All means necessary' under Chapter VII	600

Table 11 (above) shows that ‘authorities’ language appears in-combination nearly twice as often as it does individually. The results below provide assurance that the influence of civilian casualties on mandate language is not hidden by a combined effect:

Table 12 The effect of past civilian casualties on 'authorities' combinations in PKO mandates

VARIABLES	(1) 'Necessary' not under Chapter VII$_{(t+3)}$	(2) Chapter VII without 'necessary' statement$_{(t+3)}$	(3) 'Necessary' under Chapter VII$_{(t+3)}$	(4) 'All means necessary' under Chapter VII$_{(t+3)}$
Civilian Casualties	0.000422*	-0.114**	-0.000104	0.000350
	(0.000247)	(0.0500)	(0.000379)	(0.000345)
Affected Population	1.23e-06	-8.02e-08	-7.41e-08	2.41e-07***
	(8.11e-07)	(2.13e-07)	(8.55e-08)	(6.15e-08)
Land Area (km^2)	-4.28e-05	-5.11e-06	9.19e-07	4.12e-07
	(3.26e-05)	(5.91e-06)	(1.05e-06)	(7.17e-07)
Conflict Duration (months)	0.00187	-0.00537	-0.00568**	-0.00948*
	(0.00413)	(0.00514)	(0.00251)	(0.00576)
All BRV	0.00152***	-0.117	-0.00354	0.00613*
	(0.000346)	(0.103)	(0.00376)	(0.00362)
Conflict	-1.632**	-1.125	-0.644	4.218***
	(0.692)	(1.005)	(1.086)	(1.320)
Year	-0.664*	0.134	-0.0657	0.401***
	(0.339)	(0.142)	(0.0915)	(0.0827)
Constant	1,318*	-266.7	131.2	-808.8***
	(672.9)	(282.1)	(183.3)	(166.5)
Observations	1,449	1,449	1,449	1,449
Clusters	19	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

The results above show that mandates that include 'necessary' as the authority, but without Chapter VII specification, are positively and statistically significantly related to civilian casualties. However, this goes against the relationship expected if reverse causality were undermining results. Chapter VII without a 'necessary' or 'all means necessary' qualification is also significant, but the relationship is negative. This again counters the expectations if reversed causality was affecting outcomes. According to the theory—and an intuition—decrease in civilian casualties should not prompt a Chapter VII mandate, with or without, a 'necessity' qualification.

If reverse causality were to undermine the results of models based on their relationship to caveats, using the above logic, I would expect to find that the presence of caveats is associated with low-levels of civilian casualties. The results presented in Table 13 do not support this:

Table 13 The effect of past civilian casualties on the use of 'caveat' language in PKO mandates

VARIABLES	(1) Imminence (t+3)	(2) Capabilities (t+3)	(3) Government Prejudice (t+3)
Civilian Casualties	-0.000386	0.000369	-0.00995**
	(0.000541)	(0.000270)	(0.00473)
Affected Population	3.37e-08	-3.38e-08	-1.04e-07
	(5.83e-08)	(8.17e-08)	(8.36e-08)
Land Area (Km^2)	-7.02e-08	1.66e-06	1.35e-06
	(7.75e-07)	(1.20e-06)	(1.27e-06)
Conflict Duration (months)	-0.00166*	-0.00347**	0.00626*
	(0.000983)	(0.00144)	(0.00377)
All BRV	0.00176	-0.00129	-0.00539*
	(0.00266)	(0.00153)	(0.00280)
UCDP Conflict-Year (dummy)	-0.621	-0.256	-0.490
	(0.512)	(0.480)	(0.697)
Year	0.133*	0.232**	0.0749
	(0.0739)	(0.0966)	(0.0835)
Constant	-265.4*	-463.1**	-148.9
	(148.4)	(193.4)	(167.4)
Observations	1,449	1,449	1,449
Clusters	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

There is no statistically significant relationship between the use of 'imminence' or 'capabilities' and civilian deaths in the previous three-months. Yet, the 'government responsibilities' caveat is statistically significant at the ninety-fifth confidence interval. This does mean that the estimates of Model 13 below need to be interpreted with some caution.

The final set of independent variables that reverse causality might affect are the aggregate mandate 'type' dummies. Principle component factor analysis yielded three factors with eigenvalues greater than 1, which are reported with their respective factor loadings below (see appendix for full results):

Table 14 Factor loadings on mandate-type

VARIABLES	Factor 1 ('strong')	Factor 2 ('medium')	Factor 3 ('weak')
'Contribute'	-0.0812	-0.0516	0.9006
'Ensure'	0.0526	0.7649	-0.2412
'Protect'	0.9483	-0.1438	-0.0068
'Necessary'	0.3611	-0.6058	-0.2856
'All means necessary'	0.6376	0.6073	-0.0042
'Chapter VII	0.8634	0.1423	-0.1631
'Imminent'	0.9237	0.0707	-0.0966
'Capabilities'	0.9657	0.0801	-0.0695
'Government prejudice'	0.8064	-0.0695	0.5119

Consistent with the theory outlined in previous sections, I assign each of these factors a 'strength' based on the theory presented previously. Factor 1 scores the highest on language thought to promote civilian protection and is labeled 'strong'. Factor 2 is labeled 'weak' owing to its negative scores on the more robust *authorities* and highest score on the *contribute* directive. Factor 3 scores positively on *ensure* which, according to the theory, is a medium-level directive. It also scores highest on the weakest of the authority variables, *necessary* while maintaining a positive loading on *Chapter VII*. In terms of caveats, Factor 3 scores between Factors 1 and 2 in two out of three cases.

The benefit of these variables is that they each represent mandates containing language that can be expected to appear together, including caveats, which could not be

adequately accounted for in the previous models. This is particularly important as caveats tend to appear in combinations of at least, and often all three.

Table 15 The effect of civilian casualties on mandate factor dummy variables

VARIABLES	(1) Factor 3 (Weak)$_{(t+3)}$	(2) Factor 2 (Medium)$_{(t+3)}$	(3) Factor 1 (Strong)$_{(t+3)}$
All civilian deaths	-0.000212	4.59e-05	-0.000150
	(0.000230)	(0.000411)	(0.000435)
Affected Population	1.54e-06*	1.54e-07**	-1.84e-07***
	(8.95e-07)	(6.03e-08)	(7.07e-08)
Land area (km2)	-7.61e-05**	-2.87e-06***	3.53e-06***
	(3.84e-05)	(1.00e-06)	(1.03e-06)
Duration	0.0290*	-0.00214	-0.00472***
	(0.0174)	(0.00308)	(0.00144)
All BRV	-0.000213	0.00532**	-0.00363*
	(0.00436)	(0.00237)	(0.00188)
Conflict (dummy)	1.030	0.903	-1.142*
	(1.092)	(0.757)	(0.609)
Year	-1.163*	-0.0431	0.203**
	(0.707)	(0.113)	(0.0952)
Constant	2,311*	83.74	-404.0**
	(1,405)	(228.0)	(190.8)
Observations	1,449	1,449	1,449
Clusters	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

With the exception of the *government prejudice* caveat, there is no evidence that reverse causality driving spurious results. For these same tests run with different forward lags on the language variables see Appendix.

Case selection also requires special attention. The dataset used to study language includes numerous long-standing peace operations, responsible solely for the maintenance of a ceasefire. In these cases, the operations receive weak mandates, with little or no reference to protection. The inclusion of these operations in their entirety would exaggerate the relationship between weak mandates and civilian protection. Including them in the model

could produce spurious results and suggest that weak language best protects civilians. To prevent this situation, I limit the observations to those in which a mandate with a protection-based directive. This restricts the cases to those in which civilian casualties are endemic to the conflict at the point of observation. Further, this allows assessment of protective language against each other, rather than protective language—in all its forms—against a vast category of non-protective mandates. This approach also prevents the exclusion of intermittent instances of violence against civilians in long-standing operations.

Models

In this paper, the impact of mandate language on civilian protection is calculated using a negative-binomial regression model run on the cross-sectional time-series data described in the previous section. This is an appropriate choice in light of the overdispersed count dependent variable. This dependent variable, civilian casualties, is forward lagged one month, to allow mandate adjustments and authorizations to take shape in the field.

Models 1, 2, and 3 report on the relationship between each of the directives and civilian casualties. These categories are mutually exclusive and could not be included together in a model without losing the results of one to multicollinearity. Models 4 through 6 are structured the same way but deal with the three authorities variables. As recognized above, modelling authorities without accounting for the combinations thereof is misleading. As such, Models 7 through 12 demonstrate the influence of each potential combination of authorities on civilian casualties. Models 13, 14, and 15 follow the same structure, but the independent variables consist in the three caveat variables.

The remaining models provide overall account of the capabilities of an operation on the ground. They follow the structure of the previous models and include the same control variables. The independent variables are dummies for each of the factors described in the

section above. The factors are characterized as ‘strong’, ‘medium,’ and ‘weak,’ which is consistent with the theory put forth in this study.

Each of these models is also run with mission and year fixed effects with largely consistent results. These are reported in the appendix.

Results

The tables in this section report findings concerning the impact of mandate language on civilian casualties. All of the observations in this model have ‘directives’, and a mandate can only include one of the directives with respect to the civilian population**.** Table 16 provides results for Models 1, 2, and 3, which examine the effects of each of the directives on civilian casualties.

Table 16 The Effect of Directives Language on Civilian Casualties (t+1)

VARIABLES	(1) Civilian Deaths (t+1); 'Contribute'	(2) Civilian Deaths (t+1); 'Ensure'	(3) Civilian Deaths (t+1); 'Protect'
'Contribute'	0.580**	-	-
	(0.292)		
'Ensure'	-	0.291**	-
		(0.135)	
'Protect'	-	-	-0.352***
			(0.125)
Duration (months)	-0.00171**	-0.00185**	-0.00203**
	(0.000798)	(0.000782)	(0.000792)
All BRV	0.00101***	0.000961**	0.000967**
	(0.000391)	(0.000393)	(0.000392)
Affected population	4.14e-08***	3.24e-08***	3.47e-08***
	(7.74e-09)	(7.19e-09)	(7.17e-09)
Troop-density	-1.313**	-1.071**	-1.208**
	(0.521)	(0.439)	(0.479)
Incident count	0.0500***	0.0470***	0.0463***
	(0.00424)	(0.00451)	(0.00449)
Government conflict	-0.314	-0.618**	-0.595**
	(0.277)	(0.263)	(0.258)
Conflict (dummy)	0.986***	0.935***	0.923***
	(0.101)	(0.105)	(0.104)
Constant	2.275***	2.153***	2.282***
	(0.615)	(0.625)	(0.619)
/ln_r	-2.362***	-1.959***	-1.665***
	(0.380)	(0.351)	(0.384)
/ln_s	-0.694**	-0.726**	-0.675**
	(0.328)	(0.326)	(0.328)
Observations	1,385	1,385	1,385
Number of groups	18	18	18

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

As predicted, civilian protection increases as text moves away from 'contribute', towards 'ensure', and is at is maximum at 'protect'. This is statistically significant with a minimum confidence interval of ninety-five percent, and substantiates the hypotheses put forward concerning the influence of mandate *directives* on civilian protection.

Table 17 reports the impact of individual authorities, independent of each other:

Table 17 The Effect of Individual Authorities on Civilian Casualties

VARIABLES	(4) Civilian Deaths $_{(t+1)}$; 'Necessary'	(5) Civilian Deaths $_{(t+1)}$; 'AMN'†	(6) Civilian Deaths $_{(t+1)}$; Chapter VII
'Necessary'	0.186	-	-
	(0.134)		
'All means necessary'	-	0.287**	-
		(0.136)	
Chapter VII	-		-0.391**
		-	(0.172)
Duration	-0.00135*	-0.00162**	-0.00139*
	(0.000806)	(0.000786)	(0.000788)
All BRV	0.00101***	0.000947**	0.00101***
	(0.000390)	(0.000399)	(0.000389)
Affected population	3.70e-08***	2.97e-08***	3.95e-08***
	(7.08e-09)	(7.65e-09)	(7.23e-09)
Troop-density	-1.085**	-1.085***	-1.363***
	(0.438)	(0.420)	(0.486)
Incident Count	0.0507***	0.0488***	0.0510***
	(0.00424)	(0.00426)	(0.00422)
Gov. Conflict	-0.386	-0.565**	-0.316
	(0.267)	(0.270)	(0.264)
Conflict	0.983***	0.957***	1.020***
	(0.101)	(0.103)	(0.102)
Constant	-2.289***	-2.144***	-2.013***
	(0.372)	(0.357)	(0.361)
/ln_r	-0.774**	-0.727**	-0.670**
	(0.329)	(0.325)	(0.325)
/ln_s	2.064***	2.196***	2.317***
	(0.644)	(0.616)	(0.604)
Observations	1,385	1,385	1,385
Number of groups	18	18	18

†To conserve space, AMN stands in for 'all means necessary.'
Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

The results above are not entirely consistent with the hypotheses. First, there is no evidence of a relationship between 'necessary' and civilian casualties. Where a negative relationship was expected between 'all means necessary' and civilian casualties, I find a positive and significant one. The effect of Chapter VII authorities on civilian casualties is consistent with

that proposed. The relationship is both negative and significant. However, as detailed in the previous section, authorities are typically found in combination. That is, a Chapter VII mandate is usually qualified with one of the two 'necessity' clauses. As such the table above is limited in its application to PKOs in practice. In contrast, Table 18 reports the effect of authority *combinations* on civilian casualties:

Table 18 The effect of authority-combinations on civilian casualties (t+1)

VARIABLES	(7) Civilian Deaths(t+1);	(8) Civilian Deaths(t+1); 'Necessary'	(9) Civilian Deaths(t+1); 'AMN'	(10) Civilian Deaths(t+1); Chapter VII	(11) Civilian Deaths (t+1); ChVII + Necessary	(12) Civilian Deaths(t+1); ChVII & AMN
No authorities	0.941***	-	-	-	-	-
	(0.180)					
'Necessary' *not* under Chapter VII	-	0.816***	-	-	-	-
		(0.203)				
'All means necessary' *not* under Chapter VII	-	-	-1.323***	-	-	-
			(0.474)			
Chapter VII without qualification	-		-	-3.212***	-	-
				(0.465)		
'Necessary' under Chapter VII	-				-0.0952	-
					(0.153)	
'All means necessary' under Chapter VII	-	-	-	-	-	0.457***
						(0.138)
Duration	-0.00109	-0.00122	-0.00168**	0.000125	-0.00164**	-0.00166**
	(0.000786)	(0.000793)	(0.000792)	(0.000850)	(0.000792)	(0.000786)
All BRV	0.00102***	0.00103***	0.000985**	0.000888**	0.000985**	0.000917**
	(0.000381)	(0.000386)	(0.000391)	(0.000396)	(0.000394)	(0.000402)
Affected population	4.79e-08***	3.77e-08***	4.11e-08***	2.27e-08***	3.60e-08***	2.80e-08***
	(7.56e-09)	(7.06e-09)	(7.35e-09)	(7.39e-09)	(7.04e-09)	(7.44e-09)
Troop-density	-1.538***	-1.127**	-0.609	-1.983***	-1.053**	-0.908**
	(0.531)	(0.441)	(0.485)	(0.514)	(0.436)	(0.417)
Incident Count	0.0512***	0.0514***	0.0488***	0.0457***	0.0498***	0.0476***
	(0.00416)	(0.00421)	(0.00423)	(0.00417)	(0.00424)	(0.00429)
Gov. Conflict	0.00243	-0.384	-0.258	-0.119	-0.442*	-0.562**
	(0.273)	(0.267)	(0.273)	(0.262)	(0.264)	(0.266)
Conflict	0.998***	1.014***	0.916***	0.725***	0.987***	0.906***
	(0.0995)	(0.100)	(0.103)	(0.104)	(0.102)	(0.106)
Constant	-2.875***	-2.344***	-2.336***	-2.155***	-2.141***	-2.208***
	(0.378)	(0.366)	(0.371)	(0.355)	(0.363)	(0.359)
/ln_r	-0.559*	-0.680**	-0.810**	-0.482	-0.753**	-0.722**
	(0.327)	(0.328)	(0.328)	(0.387)	(0.322)	(0.326)
/ln_s	2.572***	2.296***	1.958***	2.970***	2.110***	2.217***
	(0.582)	(0.613)	(0.649)	(0.714)	(0.614)	(0.619)
Observations	1,385	1,385	1,385	1,385	1,385	1,385
Number of groups	18	18	18	18	18	18

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

These results are largely—though not entirely—consistent with the corresponding hypotheses. It is clear that a mandate that does not articulate authorities is detrimental to civilian protection. This finding is statistically significant. The 'necessary' stipulation without Chapter VII authorization is statistically significant and positively associated with civilian casualties. However, even without Chapter VII designation, the 'all means necessary' clause does reduce civilian casualties and is statistically significant. The only finding that is not statistically significant corresponds to Chapter VII mandates authorized to use the 'necessary' means. No substantive relationship can be deduced. It is possible that this nebulous result is a function of ambiguity driving inconsistent policy, with robust action cancelling out the results of weaker responses (or vice versa). The question of what constitutes 'necessary' versus 'unnecessary' means is sure to arise, and may make operations weary of acting, and unsure of what line they are meant to toe in executing the mission.

The results for what I have argued is the strongest authority are puzzlin g. This relationship is positive and significant, suggesting a deleterious effect on civilian protection. Given that reverse causality has been excluded as a culprit above, there is no obvious reason that this should be the case. However, one plausible explanation for this is that PKOs with strong mandates may *draw* fire. The effect of this would be two-fold. First, it would increase the risk of collateral damage to civilians, as PKOs with protective mandates are deployed to areas densely populated by civilians. If they draw fire, danger in the area of those they are meant to protect from it. Fire directed at operations would also force troops to tend to their own protection, even whilst civilians are in danger. Troops have a right to self-defense, but both capacity and attention are exhaustible resources. If troops are defending themselves, they have fewer resources available to protect civilians.

Perhaps the most surprising and counterintuitive findings concern the 'caveat' language:

Table 19 The effect of mandate 'caveats' on civilian casualties

VARIABLES	(13) Civilians Deaths (t+1); 'Imminent	(14) Civilians Deaths (t+1); 'Capabilities'	(15) Civilians Deaths (t+1); 'Government Prejudice'
'Imminence'	-0.697***	-	-
	(0.123)		
'Capabilities'	-	-1.051***	-
		(0.172)	
'Government Prejudice'	-	-	-0.824***
			(0.135)
Duration (months)	-0.00167**	-0.00149*	-0.000713
	(0.000770)	(0.000798)	(0.000770)
All BRV	0.00101***	0.000944**	0.000957**
	(0.000389)	(0.000408)	(0.000388)
Affected Population	4.43e-08***	3.45e-08***	1.59e-08*
	(7.99e-09)	(7.92e-09)	(8.56e-09)
Troop-density	-0.690	-0.708	-1.078**
	(0.508)	(0.548)	(0.473)
Incident Count	0.0524***	0.0500***	0.0452***
	(0.00425)	(0.00431)	(0.00433)
Government Conflict	0.115	0.618	-0.298
	(0.378)	(0.412)	(0.340)
Conflict	1.010***	0.919***	0.912***
	(0.102)	(0.104)	(0.102)
Land Area (km2)	2.37e-07	5.20e-07***	3.91e-07**
	(1.73e-07)	-0.00149*	(1.73e-07)
Constant	-2.382***	-2.364***	-1.786***
	(0.462)	(0.480)	(0.423)
/ln_r	-0.583*	-0.769**	-0.586*
	(0.343)	(0.332)	(0.341)
/ln_s	2.514***	2.051***	2.557***
	(0.626)	(0.641)	(0.632)
Observations	1,385	1,385	1,385
Number of groups	18	18	18

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

As evinced in Table 19, the influence of each of the caveats on civilian casualties is negative and statistically significant. This is unexpected, as the nature of these three clauses are constraining on the PKO's tendency to act. While tempting, it is remiss to assume that the

inclusion of the caveats improves PKO effectiveness. I propose that there are two elements driving this. It is tenable that the effects are of a political nature. Host government attitudes towards PKOs can influence an operation's ability to achieve its mandate. For one, it can restrict an operation's freedom of movement. More threatening is the host government's potential withdrawal of consent to the operation in cases of non-Chapter VII PKOs, or by creating a hostile environment. It is likely that these situations would increase risks to civilians. Including caveats might minimize hostility towards the operation and t be associated with fewer civilian casualties as a result. This is primarily true for the 'imminence' caveat and the requirement of deference to the host country's control. In the case of 'imminence', states have some assurance that use of force will be conservative and reserved only for instances in which the need for armed intervention is evident. While it may have this effect on the government, as explained above, these caveats tend to be taken less seriously by the PKOs themselves, making their inclusion a net benefit (Wills, 2009, p. 82).

In the following table I look at the impact of the three factors on civilian casualties.

Table 20 The effect of mandate component factor on civilian casualties (t+1)

VARIABLES	(16) Civilians Deaths (t+1);	(17) Civilians Deaths (t+1);	(18) Civilians Deaths (t+1);
Factor 1 ('strong')	-0.709***	-	-
	(0.110)		
Factor 2 ('medium')	-	0.0432	-
		(0.0314)	
Factor 3 ('weak')	-	-	-0.109*
			(0.0638)
Duration (months)	-0.00182**	-0.00175**	-0.00126
	(0.000774)	(0.000801)	(0.000796)
All BRV	0.000944**	0.000956**	0.000985**
	(0.000394)	(0.000397)	(0.000392)
Affected Population	2.83e-08***	3.10e-08***	2.92e-08***
	(8.13e-09)	(8.13e-09)	(8.29e-09)
Troop-density	-0.520	-0.904*	-0.949**
	(0.524)	(0.473)	(0.445)
Incident Count	0.0459***	0.0485***	0.0492***
	(0.00437)	(0.00441)	(0.00427)
Government Conflict	0.708*	-0.375	-0.464
	(0.395)	(0.365)	(0.366)
Conflict	0.926***	0.963***	0.970***
	(0.103)	(0.104)	(0.102)
Land Area (km2)	8.04e-07***	1.18e-07	7.90e-08
	(2.08e-07)	(1.69e-07)	(1.66e-07)
Constant	-2.572***	-2.201***	-2.139***
	(0.442)	(0.454)	(0.449)
/ln_r	-0.658**	-0.776**	-0.804**
	(0.331)	(0.328)	(0.331)
/ln_s	2.343***	2.056***	1.978***
	(0.614)	(0.635)	(0.659)
Observations	1,385	1,385	1,385
Number of groups	18	18	18

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

The results support the hypothesis that 'strong' mandates protect better than 'medium' and 'weak' mandates. However, 'medium' mandates are not statistically significant, making the interpretation thereof dubious. Surprisingly, 'weak' mandates are associated with decreased civilian casualties, though the reduction falls short of the 'strong' mandate's influence.

Conclusion

In this paper I show that mandate language influences civilian protection in UN peace operations. I put forward three hypotheses to this effect. First, I posited that there are three 'directives' of consequence. This position was supported by the study. I then suggested that 'necessary means', 'all necessary means', and Chapter VII authorities would impact protective outcomes differently. I expected a combination of 'all means necessary' under Chapter VII to protect civilians the best, while a lack of authority would do so the least. The results were mixed. In fact, the evidence suggests that what I believe to be the strongest protective language was associated with an increase in civilian casualties.

I also proposed that constraining language or 'caveats' would impede PKOs protective effect. Interestingly, the evidence countered this claim. However, this finding is likely a function of more cooperative behaviour of parties to the conflict – states in particular—when conservative language is used in the mandate, and not a reflection of the constraints themselves. Aggregate mandate variables were then introduced. With the exception of the theory concerning caveats, the findings were largely in line with my expectations: the 'strong' mandate protects better than 'medium' and 'weak'.

These findings have interesting implications. While the Security Council has little exposure to the field, it's decisions matter for civilian protection. That said, though the inclusion of caveats could be constraining, the findings suggest that they provide a convenient non-detrimental area for compromise.

While the linguistic components examined in this paper are flagship ones for POC mandates, trends continue to emerge in mandate-drafting that are worth exploring. Such areas include the impact of designated priorities for protection (women and children for instance), or protections of civilian professionals such as humanitarian aid workers, UN personnel, journalists and rights defenders. PKOs are complex endeavours. Their responsibilities are far-reaching, but what meeting them means is elusive. It is beyond the scope of academia to impose a particular linguistic code for peace operations but studying the effects of certain nuances empirically can reveal what certain language means in practice can inform operations and mandate-drafters alike.

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Appendix I: Reversed Causality Tests

Table 21 The effect of civilian deaths on choice of directives, authorities, and caveats (t+1)

VARIABLES	(1) Contribute (t+1)	(2) Ensure (t+1)	(3) Protect (t+1)	(4) 'Necessary' (t+1)	(5) 'AMN' (t+1)	(6) 'Chapter VII' (t+1)	(7) 'Imminence' (t+1)	(8) Capabilities (t+1)	(9) Government Prejudice (t+1)
Civilian Deaths	-5.376	-0.000496	-0.000112	0.00128	0.000227	-0.000461	-0.000405	0.000411	-0.0113**
	(0)	(0.000955)	(0.000423)	(0.00245)	(0.00104)	(0.000514)	(0.000564)	(0.000329)	(0.00495)
Effected Population	-0.000831	2.30e-07***	-2.39e-07**	-4.71e-08	2.51e-07***	-2.48e-07**	3.62e-08	-8.46e-08	-1.17e-07
	(0)	(7.10e-08)	(9.57e-08)	(8.96e-08)	(7.29e-08)	(1.13e-07)	(6.44e-08)	(1.03e-07)	(9.29e-08)
Land Area (km^2)	-1.551	-4.98e-06**	4.62e-06***	7.92e-07	-5.00e-07	5.27e-06**	-6.80e-08	2.82e-06	1.41e-06
	(0)	(2.07e-06)	(1.42e-06)	(8.98e-07)	(2.18e-06)	(2.17e-06)	(8.50e-07)	(2.01e-06)	(1.46e-06)
Duration (months)	-44.30	-0.00204	-0.00580***	-0.00659**	0.00613***	-0.0144***	-0.00171*	-0.00458**	0.00735
	(0)	(0.00418)	(0.00196)	(0.00312)	(0.00218)	(0.00299)	(0.00103)	(0.00211)	(0.00503)
All BRV	2.766	0.00782	-0.00433	-0.00110	0.00634	0.00108	0.000718	-0.00113	-0.00722**
	(0)	(0.00484)	(0.00265)	(0.00228)	(0.00563)	(0.00189)	(0.00195)	(0.00128)	(0.00284)
Conflict (dummy)	10,922	0.983	-1.084*	-0.646	3.911***	2.353***	-0.587	-0.226	-0.462
	(0)	(0.830)	(0.646)	(0.971)	(1.129)	(0.548)	(0.509)	(0.545)	(0.723)
Year	-3,299	-0.0834	0.243**	-0.110	0.427***	0.457***	0.141*	0.278**	0.0925
	(0)	(0.131)	(0.119)	(0.113)	(0.111)	(0.0953)	(0.0781)	(0.129)	(0.0906)
Constant	6.651e+06	163.7	-482.5**	220.9	-862.7***	-911.5***	-281.2*	-554.4**	-184.1
	(0)	(263.4)	(238.7)	(226.4)	(223.1)	(190.3)	(156.9)	(258.5)	(181.5)
Observations	1,449	1,449	1,449	1,449	1,449	1,449	1,449	1,449	1,449
Clusters	19	19	19	19	19	19	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 22 The effect of civilian casualties on choice of authorities combinations in UNPKO mandates (t+1)

VARIABLES	(7) 'No authorities' (t+1)	(8) 'Necessary' (t+1) (non-Chapter VII)	(9) 'AMN' (t+1) (non-Chapter VII)	(10) Chapter VII (t+!) (only)	(11) 'Necessary' under Chapter VII (t+1)	(12) 'AMN' under Chapter VII (t+!)
Civilian Deaths	0.00249***	0.000486	-0.0102	-0.109**	-0.000316	0.000480
	(0.000804)	(0.000402)	(0.0221)	(0.0494)	(0.000428)	(0.000375)
Effected Population	1.08e-07	1.41e-06	2.70e-07*	-4.86e-08	-7.04e-08	2.50e-07***
	(7.73e-08)	(9.66e-07)	(1.42e-07)	(2.59e-07)	(8.79e-08)	(6.81e-08)
Land Area (km2)	-2.01e-06*	-5.06e-05	-4.66e-06**	-7.38e-06	1.01e-06	4.77e-07
	(1.10e-06)	(3.95e-05)	(2.07e-06)	(8.19e-06)	(9.97e-07)	(7.43e-07)
Duration (months)	0.00766***	0.00359	0.0109***	-0.00527	-0.00587**	-0.0110
	(0.00209)	(0.00469)	(0.00266)	(0.00538)	(0.00262)	(0.00683)
All BRV	0.00237**	0.00147***	-0.0122	-0.109	-0.00412	0.00594*
	(0.000960)	(0.000470)	(0.00913)	(0.118)	(0.00390)	(0.00341)
Conflict	-1.483***	-2.447***	(omitted)	-1.254	-0.620	4.796***
	(0.573)	(0.888)		(0.809)	(1.121)	(1.595)
Year	-0.690***	-0.739*	0.105	0.138	-0.0722	0.462***
	(0.164)	(0.408)	(0.221)	(0.153)	(0.0953)	(0.0985)
Constant	1,378***	1,466*	-217.3	-274.7	144.4	-932.2***
	(327.5)	(809.7)	(443.6)	(303.4)	(190.9)	(198.4)
Observations	1,449	1,449	991	1,449	1,449	1,449
Clusters	19	19	15	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 23 The effect of civilian casualties on mandate-type (t+1)

VARIABLES	(1) Factor1 (strong)	(2) Factor 2 (medium)	(3) Factor 3 (weak)
Civilian Deaths	-0.00474	-5.20e-06	0.00604
	(0.00293)	(0.000454)	(0.00455)
Effected Population	-5.24e-08	-3.12e-07**	6.18e-08
	(9.63e-08)	(1.42e-07)	(9.27e-08)
Land Area km^2	1.25e-06	2.89e-06**	-9.00e-07
	(1.07e-06)	(1.40e-06)	(1.11e-06)
Duration (months)	-0.00112	-0.00178	-0.00579**
	(0.00216)	(0.00278)	(0.00270)
All BRV	-0.00220	-0.00360	0.00288
	(0.00183)	(0.00285)	(0.00227)
Conflict (dummy)	-0.678	-2.066	0.382
	(0.858)	(1.603)	(0.830)
Year	0.202**	-0.386**	-0.108
	(0.0953)	(0.170)	(0.0803)
Constant	-405.4**	776.8**	216.9
	(190.7)	(341.5)	(160.9)
Observations	1,449	1,449	1,449
Clusters	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 24 The effect of civilian casualties on mandate language components (t+6)

VARIABLES	(1) Ensure(t+6)	(2) Protect (t+6)	(3) Necessary non-Chapter VII (t+6)	(4) AMN non-Chapter VII (t+6)	(5) Chapter VII (t+6)	(11) Imminence (t+6)	(12) Capabilities (t+6)	(13) Government Prejudice (t+6)
Civilian Deaths	-0.000533	-0.000190	0.00153	-0.000213	-0.000483	-0.000551	0.000357	-0.00837**
	(0.000978)	(0.000446)	(0.00248)	(0.00171)	(0.000576)	(0.000838)	(0.000244)	(0.00407)
Effected Population	2.51e-07***	-1.40e-07**	-4.54e-08	2.36e-07***	-5.67e-08	3.28e-08	-1.30e-09	-9.12e-08
	(7.48e-08)	(5.85e-08)	(8.50e-08)	(6.67e-08)	(9.48e-08)	(5.21e-08)	(6.40e-08)	(7.46e-08)
Land Area km^2	-5.12e-06***	2.80e-06***	4.25e-07	4.75e-07	1.94e-06	-9.08e-08	1.15e-06	1.32e-06
	(1.87e-06)	(8.91e-07)	(1.02e-06)	(3.58e-06)	(1.38e-06)	(6.88e-07)	(9.02e-07)	(1.13e-06)
Duration (months)	-0.00192	-0.00381***	-0.00601**	0.00593**	-0.00814***	-0.00163*	-0.00252**	0.00521*
	(0.00429)	(0.00120)	(0.00270)	(0.00282)	(0.00246)	(0.000926)	(0.00110)	(0.00294)
All BRV	0.00769*	-0.00373**	-0.000510	0.00487	-0.000248	-5.81e-05	-0.00120	-0.00483**
	(0.00465)	(0.00166)	(0.00202)	(0.00438)	(0.00167)	(0.00164)	(0.00130)	(0.00224)
Conflict (dummy)	1.108	-1.212**	-0.396	2.766***	0.770	-0.624	-0.249	-0.514
	(0.876)	(0.577)	(0.875)	(1.060)	(0.648)	(0.503)	(0.466)	(0.673)
Year	-0.102	0.163**	-0.0848	0.312***	0.241***	0.123*	0.191**	0.0537
	(0.124)	(0.0797)	(0.0961)	(0.0994)	(0.0726)	(0.0686)	(0.0765)	(0.0785)
Constant	199.8	-324.4**	169.5	-631.5***	-480.4***	-245.3*	-381.8**	-106.4
	(250.5)	(159.8)	(192.7)	(198.6)	(145.0)	(137.7)	(153.2)	(157.7)
Observations	1,449	1,449	1,449	1,449	1,449	1,449	1,449	1,449
Clusters	19	19	19	19	19	19	19	19

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Table 25 The effect of civilian casualties on authorities combination (t+6)

VARIABLES	(4) 'Necessary' not under Chapter VII$_{(t+6)}$	(5) 'All means necessary' not under Chapter VII $_{(t+6)}$	(6) Chapter VII without 'necessary' statement$_{(t+6)}$	(7) 'Necessary' under Chapter VII$_{(t+1)}$	(8) 'All means necessary' under Chapter VII$_{(t+6)}$
Civilian Deaths	0.000520**	-0.00979	-0.123**	-3.26e-05	0.000271
	(0.000231)	(0.0205)	(0.0527)	(0.000379)	(0.000304)
Effected Population	9.66e-07	2.65e-07**	-1.03e-07	-8.02e-08	2.32e-07***
	(6.35e-07)	(1.29e-07)	(1.82e-07)	(8.30e-08)	(5.65e-08)
Land Area km^2	-3.04e-05	-4.57e-06**	-3.27e-06	7.25e-07	4.10e-07
	(2.46e-05)	(1.87e-06)	(4.55e-06)	(1.23e-06)	(7.18e-07)
Duration (months)	-0.000408	0.0103***	-0.00536	-0.00547**	-0.00770
	(0.00347)	(0.00232)	(0.00492)	(0.00247)	(0.00475)
All BRV	0.00180***	-0.0125	-0.0856	-0.00290	0.00506*
	(0.000350)	(0.00871)	(0.0765)	(0.00348)	(0.00302)
Conflict (dummy)	-0.548	-†	-1.141	-0.660	3.621***
	(0.461)		(1.102)	(1.051)	(1.125)
Year	-0.559**	0.0525	0.124	-0.0556	0.334***
	(0.267)	(0.182)	(0.131)	(0.0876)	(0.0731)
Constant	1,110**	-112.4	-247.0	111.0	-674.3***
	(530.5)	(366.5)	(261.1)	(175.6)	(147.2)
Observations	1,449	991	1,449	1,449	1,449
Clusters	19	19	19	19	19

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1
† 'predicts failure perfectly'

Appendix II: Primary Models with Fixed Effects

Table 26 The effect of individual directives, authorities†, and caveats on civilian casualties (t+1), with fixed effects

VARIABLES	(1) Civilian Deaths (t+1); 'Contribute'	(2) Civilian Deaths (t+1); 'Ensure'	(3) Civilian Deaths (t+1); 'Protect'	(4) Civilian Deaths (t+1); 'Necessary'	(5) Civilian Deaths (t+1); 'AMN'	(6) Civilian Deaths (t+1), 'Imminence'	(7) Civilian Deaths (t+1); 'Government Prejudice'
'Contribute'	0.735**	-	-	-	-	-	-
	(0.306)						
'Ensure'		0.360**					
		(0.149)					
'Protect'	-	-	-0.481***	-	-	-	-
			(0.144)				
'Necessary'	-	-	-	0.233*	-	-	-
				(0.134)			
'All means necessary'	-	-	-	-	0.222	-	-
					(0.147)		
'Capacity'	-	-	-	-	-	-1.050***	-
						(0.173)	
'Government prejudice'	-	-	-	-	-		-0.772***
							(0.135)
Duration (months)	-0.00166*	-0.00203**	-0.00230***	-0.00134	-0.00177**	-0.00161*	-0.000937
	(0.000855)	(0.000808)	(0.000832)	(0.000843)	(0.000815)	(0.000824)	(0.000796)
All BRV	0.000978**	0.000925**	0.000921**	0.000995**	0.000937**	0.000923**	0.000942**
	(0.000396)	(0.000399)	(0.000399)	(0.000393)	(0.000401)	(0.000411)	(0.000391)
Effected Population	3.74e-08***	2.39e-08***	2.39e-08***	3.32e-08***	2.92e-08***	3.22e-08***	1.37e-08

	(8.12e-09)	(8.63e-09)	(8.35e-09)	(7.71e-09)	(7.99e-09)	(7.92e-09)	(8.65e-09)
Troop-density	-0.448	-0.497	-0.355	-0.608	-0.775*	-0.290	-0.750*
	(0.488)	(0.408)	(0.437)	(0.423)	(0.445)	(0.474)	(0.430)
Incident Count	0.0501***	0.0466***	0.0455***	0.0508***	0.0489***	0.0498***	0.0454***
	(0.00424)	(0.00452)	(0.00450)	(0.00425)	(0.00430)	(0.00431)	(0.00433)
Government Conflict	0.537	-0.155	0.122	0.0501	-0.333	0.915**	-0.0768
	(0.521)	(0.360)	(0.381)	(0.402)	(0.418)	(0.429)	(0.358)
Conflict (dummy)	0.980***	0.912***	0.890***	0.971***	0.947***	0.904***	0.901***
	(0.103)	(0.106)	(0.106)	(0.102)	(0.104)	(0.104)	(0.103)
Land Area ($km^{2)}$	4.49e-07**	3.46e-07*	5.17e-07***	2.46e-07	1.14e-07	6.80e-07***	5.09e-07***
	(2.15e-07)	(1.77e-07)	(1.97e-07)	(1.76e-07)	(1.85e-07)	(1.97e-07)	(1.78e-07)
Constant	-3.301***	-2.400***	-2.261***	-2.747***	-2.324***	-2.652***	-1.997***
	(0.658)	(0.448)	(0.473)	(0.513)	(0.491)	(0.503)	(0.449)
Observations	1,332	1,332	1,332	1,332	1,332	1,332	1,332
Number of groups	17	17	17	17	17	17	17

† The model containing the 'Chapter VII' dummy variable did not converge and is therefore not reported above.
Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 27 The effect of authority combinations on civilian casualties (t+1), with fixed effects

VARIABLES	(7) Civilian Deaths $_{(t+1)}$; no authorities	(8) Civilian Deaths $_{(t+1)}$; 'necessary' (non-Chapter VII)	(9) Civilian Deaths $_{(t+1)}$; 'AMN' (non-Chapter VII)	(10) Civilian Deaths $_{(t+1)}$; 'Necessary' under Chapter VII	(11) Civilian Deaths $_{(t+1)}$; 'AMN' under Chapter VII
No authorities	1.137***	-	-	-	-
	(0.186)				
Non-Chapter VII 'necessary'	-	0.804***	-	-	-
		(0.207)			
Non-Chapter VII 'AMN'	-	-	-3.479***	-	-
			(0.545)		
'Necessary' under Chapter VII	-	-	-	-0.0343	-
				(0.152)	
'AMN' under Chapter VII	-	-	-	-	0.439***
					(0.137)
Duration (months)	-0.000855	-0.00123	-0.000451	-0.00181**	-0.00189**
	(0.000862)	(0.000839)	(0.000855)	(0.000804)	(0.000797)
All BRV	0.000976**	0.000995**	0.000871**	0.000976**	0.000907**
	(0.000387)	(0.000391)	(0.000398)	(0.000394)	(0.000403)
Effected Population	3.90e-08***	3.28e-08***	2.14e-08***	3.65e-08***	2.84e-08***
	(7.85e-09)	(7.70e-09)	(7.90e-09)	(7.03e-09)	(7.44e-09)
Troop-density	-0.219	-0.596	-1.394***	-0.872**	-0.743*
	(0.471)	(0.422)	(0.529)	(0.418)	(0.400)
Incident Count	0.0520***	0.0514***	0.0459***	0.0496***	0.0473***
	(0.00415)	(0.00422)	(0.00418)	(0.00424)	(0.00430)
Government Conflict (dummy)	1.339***	0.110	0.0610	-0.394	-0.528*
	(0.499)	(0.405)	(0.390)	(0.270)	(0.272)
Conflict (dummy)	0.996***	1.003***	0.714***	0.961***	0.889***
	(0.102)	(0.102)	(0.105)	(0.102)	(0.105)
Land Area (km^2)	7.50e-07***	2.88e-07	1.22e-07	-	-
	(2.10e-07)	(1.78e-07)	(1.76e-07)		
Constant	-4.365***	-2.844***	-2.277***	-2.159***	-2.189***
	(0.632)	(0.511)	(0.483)	(0.371)	(0.366)
Observations	1,332	1,332	1,332	1,332	1,332
Number of groups	17	17	17	17	17

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 28 The effect of mandate-type factors† on civilian deaths (t+1), with FE

VARIABLES	(6) Civilian Deaths (t+1); Factor 1	(7) Civilian Deaths (t+1); Factor 2	(8) Civilian Deaths (t+1); Factor 3
Factor 1 ('strong')	-0.481***	-	-
	(0.144)		
Factor 2 ('medium')	-	0.360**	-
		(0.149)	
Factor 3 ('weal)	-	-	0.735**
			(0.306)
Duration (months)	-0.00230***	-0.00203**	-0.00166*
	(0.000832)	(0.000808)	(0.000855)
All BRV	0.000921**	0.000925**	0.000978**
	(0.000399)	(0.000399)	(0.000396)
Effected Population	2.39e-08***	2.39e-08***	3.74e-08***
	(8.35e-09)	(8.63e-09)	(8.12e-09)
Troop-density	-0.355	-0.497	-0.448
	(0.437)	(0.408)	(0.488)
Incident Count	0.0455***	0.0466***	0.0501***
	(0.00450)	(0.00452)	(0.00424)
Government Conflict	0.122	-0.155	0.537
	(0.381)	(0.360)	(0.521)
Conflict	0.890***	0.912***	0.980***
	(0.106)	(0.106)	(0.103)
Land Area (km^2)	5.17e-07***	3.46e-07*	4.49e-07**
	(1.97e-07)	(1.77e-07)	(2.15e-07)
Constant	-2.261***	-2.400***	-3.301***
	(0.473)	(0.448)	(0.658)
Observations	1,332	1,332	1,332
Number of groups	17	17	17

†These models are run using the dummy variable for mandate type, as models of Factors 1 and 3 do not converge with scales variables.

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Year Fixed Effects

Table 29 The effect of individual directives, authorities, and caveats on civilian casualties (t+1), with year FE

VARIABLES	(1) Civilian Deaths (t+1); 'Contribute'	(2) Civilian Deaths (t+1); 'Ensure'	(3) Civilian Deaths (t+1); 'Protect'	(4) Civilian Deaths (t+1); 'Necessary'	(5) Civilian Deaths (t+1); 'AMN'	(6) Civilian Deaths (t+1); Chapter VII	(7) Civilian Deaths (t+1); 'Imminent'	(8) Civilian Deaths (t+1); 'Capacity'	(9) Civilian Deaths (t+1); 'Government Prejudice'
'Contribute'	0.211	-	-	-	-	-	-	-	-
	(0.590)								
'Ensure'	-	0.616***	-	-	-	-	-	-	-
		(0.177)							
'Protect'	-	-	-0.645***	-	-	-	-	-	-
			(0.178)						
'Necessary'	-	-	-	-0.117	-	-	-	-	-
				(0.258)					
'All means necessary'	-	-	-	-	1.237***	-	-	-	-
					(0.243)				
Chapter VII	-	-	-	-	-	-0.684***	-	-	-
						(0.219)			
'Imminence'	-	-	-	-	-	-	-0.928***	-	-
							(0.164)		
'Capacity'	-	-	-	-	-	-	-	-0.989***	-
								(0.188)	
'Government prejudice'	-	-	-	-	-	-	-	-	-0.813***
									(0.144)
Duration	-0.00103	-0.00157	-0.00206*	-0.000859	0.000210	-0.000813	-0.000993	-0.000351	-0.000650
	(0.00106)	(0.000997)	(0.00105)	(0.000995)	(0.00102)	(0.000995)	(0.000953)	(0.000987)	(0.000964)

All BRV	0.00134***	0.00125***	0.00126***	0.00134***	0.00126***	0.00138***	0.00141***	0.00128***	0.00123***
	(0.000410)	(0.000405)	(0.000405)	(0.000409)	(0.000408)	(0.000409)	(0.000400)	(0.000419)	(0.000399)
Effected Population	4.86e-08***	3.49e-08***	3.45e-08***	4.84e-08***	3.28e-08***	4.82e-08***	5.37e-08***	4.77e-08***	2.70e-08***
	(8.47e-09)	(9.53e-09)	(9.50e-09)	(8.48e-09)	(8.87e-09)	(8.46e-09)	(8.58e-09)	(8.68e-09)	(9.52e-09)
Troop-density	-0.945	-0.394	-0.644	-0.852	-1.744**	-1.098	-0.723	-1.065	-1.133*
	(0.789)	(0.663)	(0.742)	(0.713)	(0.721)	(0.716)	(0.744)	(0.797)	(0.664)
Civilian Incident	0.0590***	0.0552***	0.0552***	0.0592***	0.0587***	0.0605***	0.0677***	0.0589***	0.0544***
	(0.00529)	(0.00555)	(0.00554)	(0.00532)	(0.00533)	(0.00526)	(0.00558)	(0.00538)	(0.00552)
Government Conflict	1.047*	1.087*	0.909	1.182*	0.741	1.256**	1.466**	1.914***	0.452
	(0.617)	(0.561)	(0.572)	(0.619)	(0.565)	(0.590)	(0.593)	(0.613)	(0.553)
Conflict	1.001***	0.881***	0.892***	0.980***	0.687***	1.040***	0.974***	0.914***	1.000***
	(0.129)	(0.133)	(0.131)	(0.133)	(0.140)	(0.129)	(0.127)	(0.129)	(0.128)
Land Area (km2)	6.16e-07**	9.46e-07***	9.15e-07***	6.76e-07***	5.10e-07**	7.22e-07***	8.24e-07***	9.88e-07***	6.94e-07***
	(2.45e-07)	(2.55e-07)	(2.55e-07)	(2.59e-07)	(2.32e-07)	(2.40e-07)	(2.39e-07)	(2.55e-07)	(2.26e-07)
Constant	-3.780***	-3.774***	-2.876***	-3.954***	-4.435***	-3.401***	-3.957***	-3.934***	-2.453***
	(0.819)	(0.740)	(0.788)	(0.812)	(0.760)	(0.792)	(0.783)	(0.774)	(0.752)
/ln_r	-0.713**	-0.763**	-0.768**	-0.701**	-0.424	-0.699**	-0.469	-0.658*	-0.570
	(0.339)	(0.341)	(0.344)	(0.335)	(0.348)	(0.335)	(0.357)	(0.337)	(0.347)
/ln_s	2.177***	2.020***	2.027***	2.204***	2.911***	2.210***	2.741***	2.292***	2.547***
	(0.639)	(0.671)	(0.677)	(0.625)	(0.587)	(0.622)	(0.619)	(0.615)	(0.634)
Observations	1,385	1,385	1,385	1,385	1,385	1,385	1,385	1,385	1,385
Number of groups	18	18	18	18	18	18	18	18	18

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 30 The effect of authorities combinations on civilian casualties (t+1), with year FE

VARIABLES	(10) All Civilians (t+1); no authorities	(11) All Civilians (t+1); 'AMN' (non-Chapter VII)	(12) All Civilians (t+1); Chapter VII (only)	(13) All Civilians (t+1); 'Necessary' under Chapter VII	(14) All Civilians (t+1); 'AMN' under Chapter VII
'No authorities'	1.585***	-	-	-	-
	(0.284)				
All means necessary' (non-Chapter VII)	-	-0.703	-	-	-
		(0.477)			
Chapter VII - only	-	-	-3.118***	-	-
			(0.472)		
Necessary' under Chapter VII	-	-	-	-0.594***	-
				(0.229)	
All means necessary' under Chapter VII	-	-	-	-	1.170***
					(0.225)
Duration	-0.00103	-0.000994	0.00124	-0.000856	1.98e-05
	(0.00100)	(0.000999)	(0.00106)	(0.000989)	(0.00101)
All BRV	0.00132***	0.00130***	0.00120***	0.00133***	0.00121***
	(0.000402)	(0.000409)	(0.000406)	(0.000407)	(0.000407)
Effected Population	5.05e-08***	4.94e-08***	2.99e-08***	4.60e-08***	3.49e-08***
	(8.45e-09)	(8.48e-09)	(8.58e-09)	(8.52e-09)	(8.77e-09)
Troop-density	-0.936	-0.646	-2.784***	-0.844	-1.419*
	(0.795)	(0.759)	(0.782)	(0.712)	(0.761)
Civilian Incident	0.0599***	0.0583***	0.0549***	0.0603***	0.0575***
	(0.00517)	(0.00532)	(0.00539)	(0.00527)	(0.00538)
Government Conflict	1.546**	1.141*	0.665	1.244**	0.792
	(0.602)	(0.600)	(0.539)	(0.597)	(0.573)
Conflict	1.041***	0.975***	0.640***	0.942***	0.674***
	(0.128)	(0.128)	(0.136)	(0.129)	(0.139)
Land Area (km2)	8.04e-07***	6.27e-07***	2.37e-07	7.61e-07***	4.90e-07**
	(2.45e-07)	(2.43e-07)	(2.23e-07)	(2.45e-07)	(2.36e-07)
Constant	-4.396***	-3.875***	-3.012***	-4.009***	-4.401***
	(0.791)	(0.792)	(0.721)	(0.788)	(0.767)
/ln_r	-0.720**	-0.734**	-0.358	-0.682**	-0.429
	(0.338)	(0.342)	(0.399)	(0.324)	(0.352)
/ln_s	2.162***	2.120***	3.154***	2.263***	2.896***
	(0.634)	(0.655)	(0.691)	(0.579)	(0.597)
Observations	1,385	1,385	1,385	1,385	1,385
Number of groups	18	18	18	18	18

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 31 The effect of mandate-type on civilian casualties (t+1), with year FE

VARIABLES	(43) All Civilians (t+1); Factor 1 ('strong')	(46) All Civilians (t+1); Factor 2 ('medium')	(49) All Civilians (t+1); Factor 3 ('weak')
Factor 1 - 'strong'	-0.541***	-	-
	(0.109)		
Factor 2 – 'medium'	-	0.119***	-
		(0.0436)	
Factor 3 - 'weak'	-	-	-0.194**
			(0.0792)
Duration	-0.00211**	-0.00178*	-0.00123
	(0.000934)	(0.000953)	(0.000947)
All BRV	0.00129***	0.00128***	0.00130***
	(0.000400)	(0.000404)	(0.000404)
Effected Population	4.42e-08***	4.25e-08***	4.44e-08***
	(8.40e-09)	(8.74e-09)	(8.71e-09)
Troop-density	-2.294***	-1.907***	-1.395**
	(0.674)	(0.636)	(0.591)
Civilian Incident	0.0571***	0.0561***	0.0554***
	(0.00551)	(0.00551)	(0.00554)
Government Conflict (dummy)	-0.640**	-0.529	-0.341
	(0.317)	(0.334)	(0.315)
Conflict (dummy)	1.019***	0.932***	1.035***
	(0.125)	(0.130)	(0.126)
Land Area (km2)	-0.00211**	-0.00178*	-0.00123
	(0.000934)	(0.000953)	(0.000947)
Constant	-1.003*	-1.869***	-2.070***
	(0.519)	(0.487)	(0.476)
/ln_r	-0.437	-0.491	-0.611*
	(0.329)	(0.329)	(0.344)
/ln_s	2.748***	2.638***	2.343***
	(0.560)	(0.571)	(0.650)
Observations	1,385	1,385	1,385
Number of groups	18	18	18

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Conclusion

In this dissertation I address the relationship between UN peace operation mandates and civilian protection. Mandates are often overlooked or reduced to a single element in empirical studies. The research presented here suggests that mandates have explanatory powers for understanding disparities in civilian casualties across operations. These findings are made actionable when placed within the context of international law.

In the first paper I laid out the legal framework in which protective PSOs work. This framework is made up of IHL, IHRL, PSO mandates, and international norms. I discuss the complexities associated with navigating this legal environment and discuss the implications of its neglect in empirical research. This is valuable from a social science perspective, but arguably more so from a practical one. Researching protection based on the assumption that civilians' rights extend beyond that to life informs a wider range of strategies for improving the circumstances of civilians in conflict.

With respect to the empirical work undertaken in this dissertation, my expectations are largely supported by the findings, though there are noteworthy exceptions. In the second paper I used an established model to consider the influence of mandate where it was not previously included. I also improved on the construction of the primary explanatory variables in the original study by replacing the absolute number of troops with density figures. This produces geographically sensitive variables that reduces the risk of inflating the role of troops in conflicts that occupy a large area or underestimating it in conflicts that force a wide distribution of troops. Particularly in the context of PKOs, where context and geography differ in each, this style of variable has wide applicability. However, the intention of this study was not to undermine the findings of the original work, but to clarify the results by including a variable of sound theoretical importance that had been left out. The original results were not fundamentally changed with the addition of the mandate variable, but a clearer picture of the relationship between troops, mandates, and civilian protection emerged. The findings show

that an increase in troops de-escalates one-sided violence, but that troops under protective or robust mandates do so better.

The next paper introduced the *Peace Operation Protection Language Dataset*, which is itself a contribution to empirical work on civilian protection. Its value lies in its attentiveness to the language used in UN PKO mandates. The need for this dataset stems from the fundamentally political process that is responsible for producing mandates. Recognizing this highlights the importance of what might otherwise be seen as an excessively technical parsing of language. Further, it provides the first means of disambiguating the protective directions required by the mandate, the means of pursuing them, and to whom these parameters pertain. Moreover, language is not conflated to apply to a generic 'civilian' but is reflected in the dataset as it is written in the mandate. The close mimicking of mandates in the data provides opportunities to identify specific points where improvements in mandates can be made and produce actionable results.

Mandate language was delineated in three ways. I identified three *directives*: 'to contribute to protection', 'to ensure protection', and 'to protect;' three *authorities*: 'necessary means', 'all necessary means', and Chapter VII; and three caveats: 'imminence' of threat, scope of 'capabilities', and deference to 'government responsibilities.' Together these categories encapsulate the major points of protection in a given mandate. These variables offer a far more advanced portrayal of the nuance of mandate than have previous studies.

The last paper uses the PKO-PLD to assess the relationship between different mandate properties and civilian protection. The study produces interesting findings. As predicted in the theory, the 'protect' directive is associated with a reduction in civilian casualties. One surprising finding was that both the 'ensure' and 'contribute' directives were actually associated with an increase in civilian casualties. However, consistent with the theory, more deaths were associated with the 'contribute' directive than 'ensure.' Another unanticipated

finding was that the greatest authorities to act—namely, to use 'all necessary means' under Chapter VII—did not correspond with a reduction in civilian deaths. Instead, the results show that Chapter VII authorities, unaccompanied—or unhindered—by robust qualifiers protects best. The most unexpected findings were those related to caveats, which showed that their inclusion may improve protection outcomes. One explanation for this might be that caveats have an appeasing effect on hostile parties when included in the mandate, making them less antagonistic. It might also be that caveats taper expectations and discourage unnecessary risk-taking on the part of civilians.

While the results of this study do not categorically support my individual initial hypotheses, they reveal that mandate language matters—even if in unanticipated ways. This is a useful finding because every PKO has a mandate, none of which are necessarily static. By identifying language that can improve an operation's capacity to protect civilians, progress in the area of reducing civilian suffering in times of conflict can be made. The present research sheds light on what language can accomplish this and invites further research into why and under what circumstances.

This dissertation achieves three specific objectives. First, it couches empirical research within a legal framework. This is an important contribution as empirical findings do not exist in a vacuum. While there is nothing wrong with excluding a legal context, it limits the degree to which findings can be interpreted and applied to real-life situations. The second objective fulfilled is to substantiate the premise that mandate matters for civilian protection. This provides a starting place for the remainder of the dissertation. The third accomplishment is the construction of an original dataset that provides a hitherto unseen level of specificity concerning mandate language. This permits a closer examination of what constitutes an effective POC mandate, from those with limited explanatory powers. This is innovative as the international community has adopted the POC mandate as standard in contemporary PKOs. It

is the specific language that varies. As such, whether or not a POC component should be included in a mandate is not a relevant question; what that component should entail remains unsettled. This dataset moves the discourse towards studies that inform what *about* POC mandates is helpful, and what is not. The final contribution is to provide the first empirical study of particular mandate language. This is a particularly timely addition to the literature due to the fast-evolving concept of the protective obligations of PKOs.