Definitions Matter: Navigating Gray Areas in United Nations' Civilian Protection

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Since the end of the Cold War, people around the world have faced unprecedented levels of violence. While the targeting of civilians has always existed in human warfare, the past 30 years have witnessed a rise in both intensity and scale. This is supported by recent empirical evidence. Since the outbreak of the civil wars in Syria (2011), South Sudan (2013) and Yemen (2014), the Uppsala Conflict Data Program has recorded almost 130,000 civilian fatalities in these countries alone. Additionally, recent security deteriorations in the Sahel and the Great Lakes region reported a civilian casualty ratio of up to 90 percent.

These alarming statistics have intensified calls for the involvement of international organizations in the protection of civilians (PoC). The United Nations (UN), founded with the mandate to "save succeeding generations from the scourge of war" in its Charter (1945), has been at the forefront of these efforts. However, while peacekeeping has been the primary mechanism for conflict intervention at least since the 1960s, the issue of civilian protection has only recently made it to the agenda. It was not until 1999 that the first operation with an explicit civilian protection mandate was dispatched to Sierra Leone.

In recent years, the protection of civilians has become an increasingly central buzzword and almost all operations have since had an explicit mandate to "protect civilians from the [imminent] threat of [physical] violence": Burundi, Chad, the Central African Republic, Côte d'Ivoire, DR Congo, Haiti, Lebanon, Liberia, Mali and (South) Sudan. Currently, 95% of the deployed personnel are engaged in protection activities. Additionally, Secretary-General António Guterres acknowledged in a presidential statement that the ability to protect civilians represents the most important indicator to measure a mission's performance. This means that the importance of PoC has not only increased to ensure global peace, but also to enhance the legitimacy of the UN.

Although public discourse has commonly criticized the peacekeeper's inefficiency and costliness, contemporary evidence actually suggests that UN missions are generally well-equipped to carry out their mandates effectively. At the same time, challenges in implementation persist. Discrepancies exist not only between the mandates and the actual delivery on the ground, but also across and between operations. Differences in the protection outcomes are commonly attributed to exogenous factors (i.e., the ripeness for resolution, conflict dynamics) and operational decision-making (i.e., mission strength, resources). Instead, problems of PoC already exist at the conceptual level.

This article delves into three definitional challenges: determining (1) who classifies as a civilian, (2) what types of violence peacekeepers should address and (3) what protective measures are expected. Clearly, debates over definitions may seem insignificant compared to other challenges that Blue Helmets face in conflict environments. Nevertheless, a lack of conceptual clarity can complicate the mandate implementation in terms of envisioned aims, adopted strategies and expected prioritization. As a result, it is important to specify these concepts to enhance UN civilian protection capacities in 2023 and beyond.

(1) Whom to protect? The idea that civilians must be protected from violence is the fundament of international humanitarian law and the Just War tradition. However, identifying who precisely constitutes a civilian has proven to be a complex issue. The UN uses a negative definition and qualifies all people as civilians if they currently do not

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engage in hostilities. With wars increasingly fought between the people, this categorization is often determined on an ad hoc basis in volatile environments with resource constraints. In South Sudan, for instance, even fighters were granted access to the Juba civilian protection site after violence escalation in December 2013, as long as they were willing to lay down their guns and change their combat clothes. The delineation of the civilian category is thus often at the discretion of the involved individuals.

Furthermore, distinguishing civilians from combatants is often based on stereotypes rather than detailed contextual awareness. Because the UN struggles with the question of which groups to prioritize, contemporary protection agendas have often identified women and children as the most vulnerable victims of conflict. However, recent reports have found that women and girls had an active combat role in 38 out of 55 surveyed countries. Other contexts, such as the ethnic violence in the Tigray region, may require a different prioritization that is not accommodated by this one-size-fits-all approach. Balancing these possibly competing concerns can therefore be a delicate process that demands a nuanced knowledge of the specific environments in which protection is provided.

(2) From what? The nature of violence that peacekeepers should address has been inconsistently defined. The United Nations' normative framework for civilian protection advocates for the need for protection from *all* sources of violence. That is unrealistic. With the recent shifts towards asymmetrical warfare and the increasing presence of non-state armed groups, the nature of threats to civilian security has become increasingly multifaceted. How should underlying social, economic and political factors that contribute to vulnerability and insecurity be addressed? Should peacekeepers be also involved in protection against medical diseases, natural disasters or even climate change?

In practice, protection mandates have often been pragmatically confined 'within areas of deployment' and 'within capacities' in the text of the resolutions. This was important to manage local expectations, but has done little to guide Blue Helmets on the ground. Does this mean that becoming by-standing of physical violence is acceptable if it occurs outside artificially created zones of deployment? Or simply by referring to a lack of sufficient funding by member states? Moreover, the conduct of peacekeepers themselves has come under scrutiny. Between 2007 and 2022, 426 allegations of misconduct including sexual exploitation and abuse (SEA) have been filed against Blue Helmets in DR Congo alone. Protecting civilians from different sources of violence requires distinct approaches. For effective protection, it is hence decisive to identify the primary dynamics and perpetrators of violence to adapt protection strategies accordingly.

(3) By what means? The conventional understanding of civilian protection is often limited to physical means, namely the inter-positioning of peacekeepers between civilians and existing sources of violence. However, the United Nations has recognized the need to broaden and diversify the available measures at least since the introduction of the 2010 operational concept. Today, protection efforts are primarily understood through a three-tier approach: (a) protection through dialogue, (b) protection through physical presence and (c) the establishment of a protective environment. This multiplication of means has rendered civilian protection more versatile and adaptive. At the same time, concern about the broad mandate has been voiced by academic and human rights communities. Indeed, mandates often emphasize the need to protect civilians without offering guidance on precise strategies, operational tactics and limitations.

The newest generation of peacekeeping operations, which is authorized to employ coercive tools including the use of lethal violence to protect civilians, reflects these changing dynamics of conflict in the 21st century. For instance in the case of Sudan, where violence primarily emanates from the state apparatus and thus the local consent for the presence of a UN mission is defective, peacekeepers may only fulfill their mandate if they violate the 'holy peacekeeping trinity' (consent, impartiality and the non-use of force). Yet, the potential for different interpretations and overlapping agendas can also cause detrimental side effects. As reports from Mali have shown, PoC mandates ultimately risk harming civilians if they conceptually overlap with counter-terrorism strategies. The increased diversification and intensification of available means to protect civilians seem thus a double-edged sword.

To address these three challenges and enhance protection capabilities, the United Nations must work towards developing a more nuanced and comprehensive understanding of protection that balances the need for context-specific adaptation with a strong institutional framework. The policy output of the past decades (i.e., Brahimi report,

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HIPPO) demonstrates that this necessity is recognized, but much more work is needed. This process calls for a multidisciplinary approach that integrates legal, political and social analysis into planning and delivery. Civilian protection must be the priority of contemporary peacekeeping. This requires adequate funding, political commitment and, as this article demonstrates, clarity on definitions.

About the author:

Andrea Knapp is a PhD candidate in the Department of Political and Social Science at the University of Bologna (Italy). Her current research interests focus on peacekeeping, the protection of civilians, conflict interference by international organizations (particularly the United Nations) and the evolution of international norms. In her doctoral thesis, she analyzes trends in the United Nations' politics of civilian protection since 1990 using "text as data" and quantitative methods.