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*Authorizing a UN Peace Operation to Use Military Force to Protect Civilians in Darfur:
The Role of Middle Powers*

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The protection of civilians in armed conflict has become a widely discussed topic in academic and policy circles. More recently – largely fuelled by the UN Security Council’s (UNSC) response to the crisis in Darfur – the UNSC’s authorization of UN peace operations to use military force to protect civilians has received particular attention. However, within this debate, there is little focus on the details of the UNSC’s decision-making process.

The paper suggests that middle powers have an important role to play in the UNSC’s decision-making process. In the UNSC, middle powers often take up the role of policy entrepreneurs: advocates who are willing to invest their resources – time, energy, reputation, money – to promote a position in return for anticipated future gain in the form of political, economic, strategic or reputational benefits. Occasionally, middle powers are able to move the UNSC out of stalemates. Based on these assumptions, the paper asks the following question: what role have middle powers played in the Council with respect to the civilian protection agenda in general and, more specifically, what was their role in the UNSC’s decision-making process on the authorization of a UN peace operation to use military force to protect civilians in Darfur? In order to answer this question, I investigate middle power action in the UNSC from November 2005 up the authorization of the use of military force to protect civilians by the UN Mission in Darfur (UNAMID) on July 31, 2007.

Introduction

The decisions made in the UNSC are of high global significance. The UN Charter delegates to the Council the “primary responsibility for the maintenance of international peace and security” (Art. 24). The Council frequently responds to a wide spectrum of threats to international peace and security. Although traditionally confined to acts of inter-state aggression, in response to the changing nature of the post-Cold War international security environment, the Council now frequently reacts to armed intra-state conflict by authorizing UN peace operations to use military force to protect civilians.

In recent years, the academic and policy communities have expended considerable effort to the analysis of the Council’s reaction to the crisis in Darfur, where a violent conflict between various rebel movements and the Sudanese government has been on-going for more than five years.¹ The civilian population in Darfur has been subjected to the type of planned and targeted attacks by the Sudanese government - directly through its military forces as well as government-sponsored and anti-government rebels - that many thought the international community would not witness again after the Rwandan genocide in 1993. The conflict in Darfur has been at the centre of global debate over ‘never again’ that ensued after the UN’s failure to stop the genocide in Rwanda. It has also been referred to as the first ‘test case’ for the ‘Responsibility to Protect’ (R2P), a principle that demands action by the international community in situations in which national governments fail to protect their citizens from “large scale loss of life, actual or apprehended, with genocidal intent or not [...] or large scale ‘ethnic cleansing’ actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape” (ICISS, XII).

Yet, for three years the Council was unable to authorize a UN peace operation to use military force to protect civilians. The Council’s response² appears to have been unprincipled, inconsistent and of questionable effectiveness. Although much criticism has been voiced about the Council’s prolonged inability to authorize a UN peace operation to

¹ The situation has resulted in a plethora of publications, some more descriptive than analytical and some more biased than others. For an in-depth account of the conflict see Prunier (2005), Flint and de Waal (2008), for a description of the human rights situation, see the Report of the High-Level Mission on the situation of human rights in Darfur (A/HRC/4/80).

² For an overview see Slim (2004), Williams and Bellamy (2006).

use military force to protect civilians in Darfur, little attention has been paid to the process driving the Council's decision making. In addition to the Council members, the larger UN membership, the Secretary General and his Special Representatives (SRSGs), UN organs such as the Secretariat and the Department of Peacekeeping Operations (DPKO) and regional organizations there are other groups of players that influence the Council's decision-making. These include small and developing states, coalitions and blocks as well as middle powers.³ This paper seeks to uncover the specific role that middle powers have played in the Council's decision-making process on the authorization of a UN peace operation to use military force to protect civilians in Darfur.

Mingst and Karns (2007) provide a comprehensive overview over groups in the Council. First, for small and developing states, the UN can serve as an arena in which they can carry on bilateral and multilateral discussions, even if they concern non UN-matters. The UN thus serves as a forum where they can forge multilateral ties and conduct bilateral talks on a range of issues. This function is further facilitated when small and developing states are elected to the Council as it enlarges their voice and can provide them with opportunities to influence the global agenda. Second, coalitions and blocs are made up of states in the same geographic region or those sharing economic or political interests. They include formal regional organizations such as the European Union and African Union, the Non-Aligned Movement and subregional groups such as the Nordic countries. Further, there are ad hoc informal groups of states supporting UN peace-related actions. These include Contact Groups, Groups of Friends and Friends of the Secretary General, which typically include at least one interested permanent member. Third, regarding, middle powers they argue that these countries typically act less out of their own interest than out of a belief in international responsibility (65). As will become evident, there are diverging conceptions of how to define middle powers. In this paper, I follow the 'behavioural' definition that suggests middle powers can be characterized

³ There is little agreement on the definition of middle powers. For a discussion, see the section below on middle power theories. Despite the difficulties of classifying middle powers, a consensus has emerged that the following countries are middle powers: Australia, Belgium, Canada, Denmark, New Zealand, Norway, Sweden and The Netherlands. More recently, this consensus is being undermined by including such countries as Argentina, Brazil, Nigeria, Malaysia, South Africa and Turkey (see Jordaan 2003). While recognizing the divisions within the literature, my analysis will focus exclusively on the first group of middle powers.

either according to their behaviour and the types of policies they pursue. These typically include engagement in multilateralism, working toward international compromise and the promotion of good international citizenship.

Recognizing the important influence that other actors can play, this paper exclusively focuses on middle powers' role in authorizing a UN peace operation to use military force to protect civilians in Darfur. The question I ask is: what role have middle powers played in the Council with respect to the civilian protection agenda in general and, more specifically, what was their role in the UNSC's decision-making process on the authorization of a UN peace operation to use military force to protect civilians in Darfur?

UNSC decision-making is complex and multifaceted and this paper does not propose to provide a general explanation of the process. Rather, this paper focuses on the actions of a specific group of actors – middle powers – vis à vis a narrow issue –the authorization of UN peace operations to use military force to protect civilians – of one particular case – Darfur.

The paper unfolds as follows. The paper first presents the UNSC structures and processes relevant to the authorization of UN peace operations to use military force to protect civilians. This leads into a summary of the evolution of the civilian protection agenda at the UNSC and the theoretical foundation for middle powers' role in the UNSC. It then outlines the positions that middle powers have taken in the Council toward the protection of civilians. Although they may or may not have been UNSC members during the time relevant to this analysis, the middle powers under consideration in this analysis are Australia, Belgium, Canada, Denmark, The Netherlands, New Zealand, Norway and Sweden. Thereafter, the paper presents relevant details of the UNSC's decision-making process leading to the authorization of a UN peace operation to use military force to protect civilians in Darfur and middle powers' role in the process. The following section assesses to what extent the protection of civilians agenda and the Darfur case confirm or refute what is predicted by middle power theory. I conclude with some recommendations for further research.

UNSC Structures and Processes

In this section, I provide a brief overview of the UNSC's structures and processes⁴ as they relate to the Council's decisions on the authorization of the use of military force by UN peace operations. Specific aspects pertaining to the protection of civilians are treated in the following section.

According to Art. 24(1) of the UN Charter, the Council acts on behalf of all member states and its decisions are binding on all member states (Art 2[5], 25, 39) and to some extent, non-members (Art. 2[6]). The Council can issue recommendations to disputing parties, recommendations to the General Assembly as well as make mandatory (binding) decisions. Popular perceptions of the Council are dominated by the belief that the Council is able to make any decision as long as the P-5 members⁵ can come to an agreement. However, as Art. 27 of the Charter states, this is not the case for two reasons. First, procedural matters require an affirmative vote of any nine of its 15 members. Second, other matters require nine members, including all five permanent members, to vote affirmatively. A party that is member to the issue under the Council's consideration is not allowed to vote.

Daws and Bailey (1998) rank the types of issues that will concern the Council into four categories according to gravity. First, matters, questions and situations that are of comparatively low concern. Second, disputes. Third, threats to or breaches of the peace and, fourth, acts of aggression. While these categories may appear to be merely semantic, it is important to bear in mind that the Council's Chapter VII measures can only be invoked if it has determined that a threat to international peace and security exists (Art 39). Forman and Grene (2004) further maintain that "conflicts are addressed according to a de facto class system, whereby high interest by major powers translates into engagement of NATO and multi-national forces, moderate interests leads to the use of UN operations, and low interests leads to delegation of other regional organizations" (298).

⁴ The seminal work on this topic is Daws and Bailey's *The Procedure of the UN Security Council* (1998).

⁵ China, France, Russia, UK, US

It is essential to frame the authorization of UN peace operations to use military force to protect civilians in the context of the UN Charter's⁶ legal provisions. Article 2(4) regulates the use of force by member states and, as such, prohibits the UN from acting against the "territorial integrity or political independence of any state". Furthermore, Article 2(7) prohibits the UN from intervening in domestic affairs of states while allowing for the "application of enforcement measures under Chapter VII". The UN may, therefore, interfere in the domestic affairs of states when pursuing enforcement measures stipulated in Chapter VII, which lies at the very heart of the UN's collective security machinery. Chapter VII sets out the UNSC's powers to maintain international peace and security. It allows the UN to engage in economic and military measures to maintain or restore international peace and security. The power to determine what constitutes a threat to international peace and security lies squarely in the hands of the UNSC.

The end of the Cold War freed the UNSC from the constraints of superpower rivalry that had limited the use of coercive measures at the Council's disposal.⁷ As a consequence, the Council has changed in two key ways. First, reacting to the changing nature of the international security environment, the Council has broadened its concept of security and with it the issues that are deemed to be threats to international peace and security.⁸ While there are various tools at the Council's disposal, it is now common practice for the Council to declare armed intra-state conflict as threats to international peace and security under Article 39 (Chapter VII) of the UN Charter. In light of the importance attached to the principle of non-interference in member states' domestic affairs (Art. 2[7] of the UN Charter), this represents a significant shift in the Council's activity. These conflicts' direct and indirect impact on civilian populations⁹ has also

⁶ The UN Charter provides two exceptions to the universal prohibition on the use of force: first, the right to individual or collective self-defence in response to an armed attack pursuant to Art. 51 of the Charter and, second, the right of member states to seek the Security Council's specific authorisation for the use of force in accordance with Chapter VII of the Charter.

⁷ During the Cold War, the explicit authorization of the use of force was only resorted to in the case of Korea in the early 1950s and in the Congo in the early 1960s (see Malone 2004, 10).

⁸ High-profile UN publications substantiating this include *The Agenda for Peace* (A/47/227-S/24111, 1992), *Supplement to an Agenda for Peace* (A/50/60-S/1995/1, 1995), *A More Secure World: Our Shared Responsibility* (Report of the Secretary-General's High-level Panel on Threats, Challenges and Change) (A/59/565, 2004), *In Larger Freedom: Toward Development, Security and Human Rights for All* (A/59/2005, 2005).

⁹ Measuring the impact of conflict on civilians is a difficult task. One approach is to measure the numbers of civilians killed by one-sided violence of an armed group or government forces. Eck and Hultman (2007) have collected events

grabbed the Council's attention. Starting with S/RES 1270 in October 1999, the Council has regularly responded to armed intra-state conflicts by making use of its Chapter VII powers to authorize UN peace operations to use military force to protect civilians.

Second, the Council has become more active: there has been a sharp increase in the number of peace operations authorized under Chapter VII. The Council can authorize three types of Chapter VII missions. First, it can authorize one or a combination of member states to conduct a Chapter VII peace operation.¹⁰ Second, it can authorize a regional organization to conduct a Chapter VII peace operation.¹¹ While authorized by the Council, it is important to point out that neither of these two types of operations actually makes use of UN troops. Third, it can authorize the UN itself to conduct a Chapter VII peace operation. These three types of missions differ in various aspects. Most important to this paper is the fact that peace operations not requiring UN troops are subject to a very different decision-making process within the Council. If member states or regional organizations are willing to provide troops in order to conduct their own, Council authorized, Chapter VII peace operations, the decision-making process may not be subject to the kind of prolonged negotiation process as in instances when the UN is actually tasked with executing the mandate. The exclusive focus of this paper will be the Council's decision-making process on the authorization of a UN peace operation to use military force to protect civilians.

data for the period from 1989-2004. Their data includes incidents of violence against civilians by any organized group and is limited to incidents of direct killings in which civilians are deliberately and directly targeted. As a result, their numbers are comparatively low as they do not include civilians who have died as a result of indirect violence such as starvation or displacement. Nevertheless, a clear trend emerges: the demise of the Cold War saw an increase in incidents of direct targeting of civilians. Other approaches include those by Harff 2003; Valentino; Rummel 1994; Brecher and Wilkenfeld (1997 and 1998). However, most of these datasets are limited to genocide or mass killings and neglect low levels of continuing violence. Downes (2004) limits his analysis to interstate conflicts while Azam and Hoeffler (2002) measure violence through a proxy.

Other reports differ on the actual numbers of the percentage of civilians killed directly and indirectly in conflicts. However, they do agree that this percentage has increased. Such reports include accounts of the conflict in Darfur by Guha-Sapir and Degomme (2005), in the DRC by Médecins sans Frontières (2005) as well as Waldman's (2005) more general account. Human Rights Watch and the International Crisis Group regularly publish reports on violence against in civilians in crisis zones.

¹⁰ Examples are France's Operation Artemis in the Democratic Republic of Congo (DRC) and Operation Licorne in Côte d'Ivoire.

¹¹ Examples are NATO's International Security Assistance Force (ISAF) in Afghanistan, the Economic Community of West African States' (ECOWAS) Mission in Côte d'Ivoire (ECOMICI) and Liberia (ECOMIL), the African Union (AU) Mission in Sudan (AMIS) and Somalia (AMISOM), the European Union's (EU) Force in Bosnia-Herzegovina, the DRC and Chad/Central African Republic.

The mandates of such Council-authorized UN peace operations have changed considerably from traditional, Chapter VI peacekeeping operations to complex, multidimensional operations.¹² Traditional Chapter VI peacekeeping missions were tasked to perform any combination of the following tasks: observation and monitoring of cease fires and withdrawal of forces, separating combatant forces by establishing buffer zones and deterring the spread of war and making use of limited force in order to maintain or restore civil law and order. Complex, multidimensional UN peace operations authorized under Chapter VII are often deployed without a cease-fire in place and without the consent from all parties. The UNSC authorizes such missions to perform a wider and more complex set of tasks. They are often authorized to use military force to ensure the maintenance of civil law and order, the restoration of peace and to protect civilians, UN and humanitarian staff. Specific tasks typically include the monitoring of democratic elections, the promotion of respect for human rights and disarmament of combatants. Such Chapter VII mandates can specifically authorize civilian police, often in cooperation with the host government's national police, to protect civilians. However, armed intra-state conflicts may arise where governments are not fulfilling their 'responsibility to protect' their population. In such conflicts, civilians often experience

large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act or a failed state situation; or large scale 'ethnic cleansing' actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape (ICISS, XII).

Such situations may require the Council to agree on mandates that authorize UN troops to use military force to protect civilians. Often, the difficulty of coming to an agreement and the potential danger of a veto lead to unclear, sometimes ambiguous language. However, weakened mandates are often seen as superior outcomes than no mandates at all.

¹² For an overview see Cockayne and Malone (2005), Durch et al. (2003), Findlay (2002), 3-7.

The Protection of Civilians Agenda at the UNSC

On the one hand, the end of the Cold War freed the UNSC from the restrictions of bipolarity. On the other hand, the changing nature of conflicts since the end of the Cold War contributed to a paradigm shift within the UNSC reflected in “the willingness of the Security Council in recent years to characterise the most serious violations of human rights, in which widespread loss of life occurred or was threatened, as a threat to international peace and security” (Greenwood 2000, 930). Malone (2003) argues that “an innovative feature of the Council’s decision on a number of crises was its concern over the humanitarian plight of civilian victims of conflicts” (74). As a result, “freed from the political divisions of the Cold War, the Security Council repeatedly demonstrated its willingness to invoke Chapter VII of the UN Charter” (Sens 2004, 143).¹³

The exclusive focus of this analysis is the use of force by that has been authorized under Chapter VII of the UN Charter¹⁴ “primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights” (Murphy 1996, 11-12).¹⁵ Chapter VII allows the UN to engage in economic and military measures to maintain or restore international peace and security. In resolutions authorizing peace operations to use such military force “to afford protection to civilians under imminent threat of physical violence”, any combination of the following qualifying formulations is typically inserted: “without prejudice to responsibility of host government”; “within capabilities and area of deployment”; “all means necessary”.

¹³ Wallensteen and Johansson (2004) provide an empirical overview of the Council’s use of Chapter VII mandates.

¹⁴ The DPKO’s 2008 Capstone Document on Principles and Guidelines for Peacekeeping Operations suggests that the following factors influence the Council’s decision making process. 1) Whether a situation exists the continuation of which is likely to endanger or constitute a threat to international peace and security; 2) Whether regional or sub-regional organizations and arrangements exist and are ready and able to assist in resolving the situation; 3) Whether a cease-fire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement; 4) Whether a clear political goal exists and whether it can be reflected in the mandate; 5) Whether a precise mandate for a United Nations operation can be formulated; 6) Whether the safety and security of United Nations personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the principal parties or factions regarding the safety and security of United Nations personnel (47-48).

¹⁵ The UN Charter specifically recognizes regional organizations as entities for maintaining peace and security under Chapter VIII mandates in Article 53 by maintaining that the “Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority.” Hoffmann (1996) argues that such organizations may conduct a legitimate intervention, but they will have to operate within Charter guidelines and be provided with clear Chapter VII mandate.

The lessons of the 1990s – the unwillingness and inability to effectively intervene in Rwanda, the reluctance to protect safe areas with force in Bosnia and the detrimental effects of the ‘illegal but legitimate’ debate following Kosovo – revealed the inability of available doctrines and practices to protect civilians in armed conflict (Holt and Berkman 2006, 18). In his 1998 report on the causes of conflict and possibilities for sustainable peace in Africa, the Secretary General signalled a shift in rhetoric by declaring the protection of civilians as a humanitarian imperative: “in the past, civilian populations were chiefly indirect victims of fighting between hostile armies. Today, they are often the main target [...]” (S/1998/318-A/52/871, 11). In February 1999, the President requested the Secretary General to make recommendations on how the Council could improve the physical and legal protection of civilians in armed conflict (S/PRST/1999/6). The first Secretary General’s report was released seven months later (S/1999/957) and subsequently the Council passed its first thematic resolution on the Protection of Civilians in Armed Conflict (S/RES 1265). Since then, the UNSC issued two more thematic resolutions – S/RES 1296 (2000), S/RES 1674 (2006), which clearly indicate that the targeting of civilians could by itself constitute a threat to international peace and security, hence clearing the path for the Council to take necessary steps under Chapter VII of the Charter. Shortly after issuing S/RES 1265 in September 1999, the situation in Sierra Leone put the UNSC’s commitment to an immediate test and when it established UNAMSIL through S/RES 1270. The Council authorized the mission to take necessary action “to afford protection to civilians under imminent threat of physical violence”. Going forward, this provision was frequently included in UNSC-mandated peace operations. The Secretary General has since released a series of reports on the subject.¹⁶ A series of Presidential Statements reflect the Council’s prolonged attention to the issue (S/PRST/1999/6, S/PRST/2002/6, S/PRST/2002/41, S/PRST/2003/27, S/PRST/2004/46, S/PRST/2005/25, S/PRST/2008/18, S/PRST/2009/1). With the publication of the International Commission on Intervention and State Sovereignty’s *Responsibility to Protect* in 2001, the protection agenda’s dynamics changed drastically.

¹⁶ S/2001/331, S/2002/1300, S/2004/431, S/2005/740, S/2007/643. A full chronology of the development of the protection agenda at the Council is provided in Table 1.

Building on the framework of Francis Deng et al. (1996), the core tenet of the R2P framework is that sovereignty entails responsibility, more specifically a responsibility to protect civilian populations. The concept rests on the existence of a global acknowledgement of morals, values and beliefs and that there is “bound to be pressure to act when these values are under direct and serious challenge” (Roberts 2002, 157). The existence of such a global commitment is the premise for the R2P as the “transformation from conflict between states to conflict between peoples within states has fundamentally altered the moral and political space” (Day and Freeman, 2005, 139) within which we have to phrase our discussion on Chapter VII interventions that are based on humanitarian motives. The R2P proposes that there are limits to the rule of non-intervention for *specific* emergencies, specifically those in which the breakdown of state authority has created situations in which “civil conflict and repression are so violent that civilians are threatened with massacre, genocide or ethnic cleansing on a large scale” (ICISS, 32).¹⁷ One of the main values of the R2P lies in its “comprehensive approach to humanitarian crises, framing intervention in its continuum from diplomatic and economic sanctions through to military intervention as a last resort” (Hamilton 2006, 290).

At the UN, the R2P was endorsed in paragraphs 138 and 139 of the 2005 *Summit Outcome Document* (A/RES/60/1). This was later reaffirmed in resolution 1674 (April 2006), in which the Council expressed its intention to include clear civilian protection elements in future mandates. Further, in February 2008, Secretary General Ban Ki-moon appointed Edward Luck as his special advisor, focusing on conceptual development of the R2P as set out in the 2005 World Summit Outcome Document and consensus building. In January 2009, the Council held an open debate and adopted a further presidential statement (S/PRST/2009/1). As a follow-up to the World Summit, the Secretary General released a report on “Implementing the Responsibility to Protect” (A/63/677), which clarifies the future of the R2P, prospects for enhancing understanding, capacity and implementation. Of particular practical relevance is the report’s three-pillar

¹⁷ The Commission’s report sets out the threshold criteria of just cause that limits the use of military force to situations where there has been both a “large scale loss of life” and “large scale ‘ethnic cleansing’” (ICISS, 32). Additionally, the report issues the following precautionary principles: right intention, last resort, proportional means, reasonable prospects for success while granting exclusive authorizing power to the UNSC (ibid).

strategy for advancing the agenda as follows: 1) the protection responsibilities of the state; 2) international assistance and capacity-building; 3) timely and decisive response. A General Assembly debate on the R2P is scheduled to take place later in 2009.

Middle Power Theory

There are at least two diverging explanations of what constitutes a middle power in the international system. On the one hand, middle powers were traditionally classified on measurable indicators of their powers. Such indicators included population, their Gross National Product, their population, resource base or military expenditure (deT. Glazebrook 1947, Cox and Jacobson 1973, Handel 1981, Holbraad 1984, Hughes 1997). On the other hand, a separate body of literature has departed from this realist-based understanding of middle powers. These authors characterize states as middle powers not based on their power in relation to other powers but rather on their behaviour (see contributions in Pratt 1990, Cooper, Higgot and Nossal 1993). The latter characterization lends itself to analyzing middle power behaviour in the UNSC's decision-making process on the authorization of a UN peace operation

Mingst and Karns (2007) argue that middle powers typically act less out of their own interest than out of a belief in international responsibility (65). Jordaan (2003) suggests that middle powers tend to “demonstrate a propensity to promote cohesion and stability in the world system” (165). They are typically characterized according the types of policies they pursue: multilateralism, compromise positions in disputes, a preference for negotiated settlements and coalition building to secure reform in the international system. Their policies are typically guided by a belief in a humane internationalist orientation, which is rooted in “an acceptance that the citizens and governments of the industrialized world have ethical responsibilities toward those beyond their borders who are suffering severely and who live in abject poverty” (Pratt 1990, 5). Arguably, these behaviours and policies can ultimately be employed to further countries' more traditional, realist-oriented, national interests.

As was the case with Canada's support of peacekeeping (Hayes 1997), middle powers typically develop expertise in specific niches that allow them to influence

international policy in these fields in a more effective manner than attempting to engage in numerous issue areas (Cooper, Higgot and Nossal 1993, 25). Other examples of niches include the campaigns to ban anti-personnel mines (Cameron 1999) and to establish the International Criminal Court (David and Roussel 1999).

Cooper (1997) suggests that middle powers become active in international organizations by acting as ‘catalysts’. In this role, they launch new diplomatic agendas. In their role as ‘facilitators’ they set new agendas and build coalitions of support. They also act as ‘managers’ by assisting in the creation of regulatory institutions. He further introduces a comparative framework in which he systematically analyzes middle powers’ foreign policy behaviour along two axes. The extreme of each axis is based on ideal types he found in Australian and Canadian foreign policy behaviour. His first axis describes action either as ‘heroic’ (not exclusively motivated by self-interest, for the common good and achieved through public diplomacy) or ‘routine’ (consensus-oriented, strengthening of existing inter-state cooperation). On his second axis he places the breadth of diplomatic actions performed from ‘concentration’ on one end to ‘diffusion’ or ‘universalisation’ on the other. His notion of ‘concentrated’ action fits well with the concept of niche diplomacy.

Keating (1993) and Henriskon (1997) propose that multilateral institutions such as the UN in general and the UNSC in particular are conducive forums for middle powers to exert their roles as facilitators, catalysts and managers. There, middle powers make use of their skills and resources to recognize and use windows of opportunity in mitigating the effects of a crisis or an open situation by changing discursive and institutional pattern thus bringing in new arenas and actors.

Middle Powers and the Protection of Civilians by the Security Council

In this section, I will point to examples of middle powers’ thematic activity on the protection of civilians in the Council.¹⁸ I intend to assess to what extent the theoretical

¹⁸ In addition to primary sources from the Security Council, much of the information in this section has been adapted from the Security Council Report’s update reports and monthly forecasts on the protection of civilians, which can be accessed online.

assumptions about middle powers' role as catalysts, facilitators and managers can be observed in their actions in the Council. At the initiative of the Canadian Presidency, the issue of the protection of civilians in armed conflict was first introduced to the Security Council on 12 February 1999 (see Golberg and Hubert 2001). Lloyd Axworthy, Canada's Minister of Foreign Affairs, chaired this first meeting. Axworthy, who made human security a top priority for Canadian foreign policy, was sending clear signals that Ottawa had chosen the protection of civilians as a niche it was willing to actively promote at the UNSC.

Later that year, The Netherlands made use of its Presidency to convene a two-day open thematic meeting on the protection of civilians. During the meeting, the Secretary General's report (S/1999/957) was discussed. More importantly, the first thematic resolution on civilians in armed conflict (S/RES/1265) was adopted unanimously. The Secretary General's report would be the subject of discussion on April 19 2000, when Axworthy returned to the Council to chair another open debate during which a Canadian-prepared resolution (S/2000/335) was circulated. Subsequently, the Council adopted the second thematic resolution (S/RES/1296).

Axworthy argued that the Councils' work reflected "a shift in the perspective of this Council, where the security of people is no longer a by-product, but is increasingly becoming a central tenet of the Council's work" (S/PV 4130). He directly referred to middle power qualities of acting through the Council by stating that

In our increasingly interconnected world, the insecurity of others sooner or later becomes a matter of our own insecurity. This new global context has, as a result, forged common interests and common humanity into what I believe is a powerful impetus for common action [by the Council].

After the release of the ICISS' report in late 2001, middle power activism continued in the Council. In March 2002 Norway used its Presidency to spearhead efforts to work with the Secretariat on an aide-mémoire clarifying specific protection issues and listing items included in previous resolutions and presidential statements. In its final version, the

aide-mémoire identified 13 core objectives for protecting civilians and was adopted as an annex to a presidential statement (S/PRST/2002/6).

Identifiable promotion of civilian protection by middle powers somewhat decreased in the subsequent years. Nevertheless, the Council did continue to occupy itself with the issue, both thematically and on a country-specific basis (see Table 1). Then, on June 28 2006, in preparation for an open debate following a briefing by then Under Secretary-General for Humanitarian Affairs, Jane Egeland, Denmark circulated a discussion paper on the implementation of S/RES 1674, which, two months earlier, had reaffirmed the R2P principles as formulated in the 2005 World Summit Outcome Document. The focus of the discussion was to clarify the criteria for the inclusion of protection clauses as well as their language when drafting mandates for UN peace operations.

In June 2007, the Belgian Presidency convened an open debate on the protection of civilians in armed conflict. Again, the focus was the development and implementation of S/RES 1674. Together with the UK and France, Belgium was expressing particular interest in further developing mandate language that would clarify the role of UN peace operations in the protection of civilians. At this debate, the permanent representative of Canada made a statement on behalf of Canada, Australia and New Zealand (McNee 2007).

Authorizing UNAMID to Use Military Force to Protect Civilians in Darfur

For a long time, the Council was unable to agree to authorize a UN peace operation to use military force to protect civilians in Darfur. When it finally did authorize the UN Assistance Mission in Darfur (UNAMID) to use military force to protect civilians on July 31, 2007, members in support of the mission were able to secure the support of China and Russia, two permanent members strongly opposed to a UN peace operation due to their strong ties with Sudan (see Peterson 2004, Jakobson and Daojiong 2006). This section investigates Council action from November 2005 up to July 31, 2007, when the Council passed S/RES 1769, which authorized UNAMID to use military force to

protect civilians.¹⁹ This section will sketch some of the key developments in the process leading to the authorization of a UN peace operation to use military force to protect civilians in Darfur.²⁰

The Council first formally discussed Darfur on April 2, 2004. It quickly became apparent that considerable uncertainty existed inside the Council about what course of action to take, especially given the lack of substantial progress in the peace talks. Moreover, from the beginning, the Council was deeply divided over the most appropriate course of action. On the one side, China and Russia, joined by rotating non-permanent members, tended toward the least intrusive approach vis-à-vis the Government of Sudan. On the other side, the UK and France – at times joined by the US - led a group of countries in support of a tougher course, which would develop from initial considerations on sanctions to the support for a UN peace operation. A third camp, consisting of many African and other developing countries, advocated African Union-led efforts in Darfur.

In the early stages of the Council's engagement in Darfur, three middle powers, Canada, Australia and New Zealand jointly suggested that “the Council is uniquely placed to assist in promoting and advancing the protection of civilians in the Darfur region”.²¹ In a letter dated January 27 2005 addressed to the Argentinean Presidency, they called for the establishment of a “committee to monitor the implementation of the arms embargo”, the consideration of targeted sanctions, further assessment by the Secretary General of all parties' compliance with measures stipulated in earlier resolutions and the persecution of war crimes by the International Criminal Court.” However, the letter makes no mention of the protection of civilians.

On January 12 2006, the African Union's Peace and Security Council (PSC) approved *in principle* a transition from the AU Mission in Sudan (AMIS) to the UN (see Abbas 2007). As subsequent negotiations around a transition of responsibilities from the

¹⁹ In addition to primary sources from the Security Council, much of the information in this section has been adapted from the Security Council Report's update reports and monthly forecasts on Sudan, which can be accessed online. http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.2400737/k.6D0B/Publications_on_Sudan.htm (accessed May 17 2009).

²⁰ This section does not claim to be a comprehensive overview of all developments relevant to the Council's involvement in Darfur. Rather, I have selected some key developments crucial to the authorization of UNAMID to use military force to protect civilians.

²¹ http://www.responsibilitytoprotect.org/index.php/government_statements/67?theme=alt1 (accessed May 23 2009)

AU to the UN increased between the Council, the DPKO and the Secretariat, it became apparent that those Council members who supported the R2P at the 2005 World Summit²², would have to live up to their commitment regarding the protection of civilians. However, on March 10, the PSC decided to extend AMIS' mission until September 30, thus providing the possibility for the transition to be derailed or delayed. Nevertheless, the renewed mandate strengthened AMIS' authority to protect civilians by removing the 'immediate vicinity' clause that limited its forces' authority.

Although the Council formally committed itself to the transition by passing S/RES 1663 (March 24, 2006), and S/RES 1679 (May 16, 2006), opinions diverged regarding the need for Khartoum's consent to the transition. China, Russia and Qatar pushed for language that made a UN peace operation conditional on the consent of Khartoum, citing concerns over the violation of Sudan's sovereignty. Meanwhile, other members wanted to leave open the possibility of a UN operation without Khartoum's consent.

From the very beginning, the protection of civilians was included in the discussions surrounding the mandate for a new UN mission. In June 2006, much of the Council's attention was focused on negotiating and formulating the details of the mandate for a UN peace operation in Darfur. As details emerged, it became apparent the UN Mission in Sudan (UNMIS) would have two regional commands. Operating under Chapter VII, the Darfur command would be responsible for the protection of civilians, the deterrence of spoilers, the monitoring of the Chadian border and assisting with the implementation of the Comprehensive Peace Agreement. In the South, the mission would operate under Chapter VI and focus on the implementation of the peace agreement between the North and South.

In August 2006, reports emerged that the UK had circulated, first to the P-5 and later to African members, a draft resolution spelling out the transition to and mandate of UNMIS. This first draft likely adopted the language from S/RES 1590, which authorized UNMIS to "take the necessary action, in the areas of deployment of its forces and as it

²² Expectations were particular high for middle powers such as Australia, Canada, New Zealand, Norway and Sweden (see Table 2 for some middle powers' statements made at the 2005 World Summit).

deems within its capabilities [...] and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence”.

Based on this UK-sponsored draft, the Council on August 31, 2006 adopted S/RES 1706, which created a mandate for 23,000 UNMIS troops to operate in Darfur. The resolution “invites the Government of National Unity for consent to this deployment”. The resolution was passed with abstentions by China, Russia and Qatar as they continued to express discomfort with any attempt to formally establish a full mandate for UNMIS in Darfur without the Sudanese government’s consent. Recognizing this barrier, a consensus emerged among Council members that the Sudanese government’s consent should be sought. The government of Sudan was thus invited to attend a Council meeting on September 2006. Later that year, China, Russia and Qatar increasingly expressed their support for UN assistance to the AU mission instead of transferring full authority to the UN.

In November 2006, the situation in Darfur deteriorated considerably with increased attacks on civilians and aid workers (see Pantuliano and O’Callaghan 2006). Further, the threat of regional spillover into Chad and the Central African Republic increased. As a result, the Secretary General proposed a compromise that was to break the deadlock in the Council and with the AU. This approach included the sequencing of light and heavy assistance packages to AMIS and ultimately a hybrid AU-UN operation (van der Lijn 2008). In the Council, a wide variety of views emerged in response to the Secretary General’s proposed hybrid force. On the one side, China, Russia and Qatar continued to be sympathetic toward Khartoum’s position and supported an AU command. On the other side, France, the UK and US as well as other European and African members increasingly became concerned about the regional effects of the conflict as well as the possibility of weakening the UN’s role in the management of UN resources and the chain of command.

In early 2007, Sudan strongly signalled its disapproval with the proposed hybrid mission by refusing visas to the UN Human Rights Council-mandated high-level mission to Darfur, delaying its response to the proposed assistance packages and bombing a rebel groups preparing for a conference on a unified negotiation strategy.

In response to Khartoum's reluctance to cooperate with the Secretary General's phased approach, a rift emerged in the Council with a group, made up of the US, UK, France, Ghana, Italy and Panama, which was in support of sanctions as a way to pressure Khartoum into agreement. The other group, consisting of China, Russia, South Africa, Qatar and Indonesia disapproved of the use of sanctions and requested more time for Khartoum to clarify its position. However, first signs emerged that Khartoum's continued unwillingness to cooperate with the Council was beginning to displease even its strongest supporters. In early March, China removed Sudan from a list of countries that offered financial incentives to Chinese companies seeking to invest.

On April 19th, the Secretariat and DPKO met with prospective troop contributing countries to discuss the heavy support package. Middle powers Sweden and Norway were part of this initial group. The breakthrough came at consultations between the UN, AU and Sudan, which were held on June 12-13 in Addis Ababa. There, Khartoum expressed its consent with the hybrid operation, stipulating that the operation will need to be under AU command and control and be composed of African troops. Throughout the prolonged, and at times stalled, process, regional powers Egypt and Libya acted as facilitators for meetings between the three parties. In part, this can be explained by both Cairo and Tripoli wishing to assert their leadership roles in the AU as well as their concerns over negative regional spillovers. Subsequently, the Council experienced increased momentum to work toward the endorsement of the hybrid operation: financial discussion were held in the General Assembly's Financial Committee on Administration and Budgetary Questions and its Fifth Committee..

On July 11, the UK circulated the first draft of the resolution authorizing the hybrid mission. It proposed the AU-UN Hybrid Operation in Darfur (UNAMID) be established for 12 months and outlined the mission's size, mandate and structure. Deep divisions among the Council members soon became apparent with China, Russia, Qatar, Indonesia, South Africa and the DRC voicing several concerns over the use of Chapter VII, in particular over the authorization to "use all necessary means", fearing, among other things, the possibility of strong interpretation on the ground.

A revised draft was circulated on July 24. In response to the concerns about the

use of military force to protect civilians, it spelt out that UNAMID would be authorized under Chapter VII “to take *all necessary action* [emphasis added] within its capabilities and its area of deployment to: [...] ii) protect civilians under threat of violence without prejudice to the government's responsibilities, and prevent threats and attacks against civilians”. In order to obtain support from the opposing member states, in particular China and Russia, the final resolution (S/RES 1769), which was passed on July 31 2007, included the slightly weaker wording, authorizing UNAMID to “take all necessary action” rather than “use all necessary means”. Additionally, the mandate recognizes the Government of Sudan’s authority by curtailing UNAMID’s authority to protect civilians by adding the phrase “without prejudice to the responsibility of the Government of Sudan” (see Aboagye 2007). It is apparent that in order to secure the affirmative vote of critical Council members, compromises limiting UNAMID’s ability to use military force to protect civilians needed to be made in the course of the decision-making process.

Evaluation

The answer to this paper’s research question on middle powers’ role in the Council’s decision-making process on the civilian protection agenda in general and more specifically the authorization of UNAMID to use military force to protect civilians in Darfur is two-fold. First, from 1999 to 2002, Canada, the Netherlands and Norway were able to skilfully employ their Presidencies to to promote the protection of civilians by making use of the windows of opportunity provided by the Council’s attention on the human security agenda. They skilfully acted as catalysts and facilitators by introducing a new thematic concern to the Council, setting the further agenda on the issue and building a coalition of like-minded states. The motivations and beliefs, especially of Lloyd Axworthy, were mainly driven by a fundamental belief that a change to the international security system was both possible and necessary (see Axworthy 2001). The action of Canada in the late 1990s fits Cooper’s (1997) characterization of a ‘heroic’ style of middle power ‘concentrated’ diplomacy. After the release of the R2P report in late 2001, these three countries were joined by other middle powers such as Australia, Denmark,

New Zealand and Sweden in their strong advocacy for the new agenda. This is well documented in their supportive statements at the 2005 World Summit (see Table 2).

Second, there is less evidence that middle powers played a particularly strong role as facilitators and catalysts during the Council's decision-making process on the authorization of UNAMID to use military force in Darfur. From the analysis above, it appears as if the UK was the main actor pushing for a mandate for the hybrid mission. The resolution is not as specific as it could be in spelling out the steps that UNAMID may take to protect civilians (see Cohen 2007). This is reflective of the complex and long-winded decision-making process in the Council itself. Within the Council itself, Peck (2004) argues that

agreement on mandates and resources is not, however, always easy to achieve. The fifteen governments represented on the Council each have their own individual geopolitical and domestic interests, and the compromises necessary to achieve consensus among them can sometimes result in decisions that do not match the needs on the ground (331).

Perhaps not as 'heroic' and 'concentrated' as initially inside the chamber, some middle powers continued to support the civilian protection agenda outside the Council. Examples such as the support by the governments of Australia, Belgium, Canada, The Netherlands and Norway for the newly established *Global Center for the Responsibility to Protect*²³, leads me to suggest that after a period of intense activity in the late 1990s and early 2000s, middle powers have perhaps resorted to a more 'routine' and 'universal' style of diplomacy on the issue. It could also be suggested that after initially acting as catalysts and facilitators for the issue through 'heroic' and 'concentrated' efforts and witnessing the positive reception in the Council, middle powers resorted to a more more 'routine' and 'universal' approach.

Finally, there is support for claims pertaining to middle powers' strong interest in negotiated settlements. At the same time as the Council was occupied with negotiating the terms of a UN peace operation, an AU-UN mediation team expended great efforts to arrive at a political settlement to the Darfur crisis. Middle powers have been a strong

²³ See <http://www.globalr2p.org>

presence in these efforts that included Sudan, Chad, Libya, Eritrea, Egypt, the Council permanent members, the EU, the Arab League, Canada, Italy, the Netherlands and Norway.

In sum, the evidence on middle powers' activities in support of the civilian protection agenda in general and the crisis in Darfur tells a two-sided story. On the one hand, middle powers were able to exert pressure on the Council and introduce a new set of concerns for the long-term. On the other hand, it appears as though middle powers were less influential in a country-specific decision-making process. This may suggest that efforts to build consensus surrounding possible breaches of sovereignty may still be under the purview of one or a coalition of the P-5.

Conclusion

The authorization of UN peace operations to use of military force to protect civilians is crucial territory for academics and policy makers. For the former it touches upon the re-definition of sovereignty, the international order's foundational principle, from states' rights to individual and collective human rights and the international community's responsibilities. For the latter, the systematic abuse of civilians in armed intra-state conflict such as in Darfur presents real world dilemmas that require principled, consistent and effective responses. This paper has shown some of the complexities involved in authorizing UN peace operations to use military force to protect civilians.

The conclusion reached in this analysis on the role of middle powers in the decision-making process on the authorization of the use of military force to protect civilians by a UN peace operation in Darfur is two-fold. First, it appears as though theories on the behaviour of middle powers as catalysts, facilitators and managers for new ideas and themes do have some explanatory power. The existing structures and procedures of the Council do allow middle powers some influence on the type of issues brought to the chamber. Second, without occupying the Council Presidency, middle powers' ability to influence the day-to-day decision-making of the Council is more limited.

Although I have been able to establish that some middle powers played a key role as catalysts and facilitators in the initial support of the civilian protection agenda, their role in the decision-making process on Darfur remains somewhat unclear. Primary research in the form of interviews with actors involved in the process is required to shed more light on the role of middle powers in Council's decision-making process that lead to the authorization of UNAMID to use military force to protect civilians in Darfur. While middle power theory may be well suited to explain the initial introduction of the civilian protection agenda to the Council in the late 1990s, the theory is not capable of providing fully satisfactory explanations on other details Council's decision-making process. Further research is required to assess how well international relations theory, domestic politics in member states, media and behavioural theory can explain the Council's decision-making process that lead it to authorize UNAMID to use military force to protect civilians in Darfur.

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Table 1: Institutional Development of the Protection of Civilians Agenda at the UNSC

Date	Council Activity	Content	Document	Council Presidency	Middle Power?
13 April 1998	SG's report on conflict and development in Africa	Addresses protection of civilians – humanitarian imperative	A/52/871 – S/1998/318	Japan	No
12 February 1999	1 st Presidential Statement	Specifically addresses PoC for first time	S/PRST/1999/6	Canada	Yes
8 September 1999	1 st SG Report	Recommendations how to strengthen legal and physical protection.	S/1999/957	Netherlands	Yes
17 September 1999	1 st thematic resolution		S/RES/1265	Netherlands	Yes
22 October 2000	UNAMSIL	Reference to civilian protection in mandate authorizing the deployment of the UN Assistance Mission in Sierra Leone.	S/RES 1270	Russia	No
19 April 2000	2 nd thematic resolution		S/RES/1296	Canada	Yes
18 September 2000	Millenium Declaration	Protecting the vulnerable as priority.		Mali	No
30 March 2001	2 nd SG Report	Detailed measures to enhance protection.	S/2001/331	Ukraine	No

Date	Council Activity	Content	Document	Council Presidency	Middle Power?
21 June 2001	Letter from SC President to SG	Request to reorganize recommendations of 2 nd report and preparation of Aide Memoire.	S/2001/614	Bangladesh	No
15 March 2002	aide-mémoire	13 core principles of protection.	S/PRST/2002/6	Norway	Yes
26 November 2002	3 rd SG Report	3 new challenges emerged: gender-based violence, commercial exploitation of conflict, rise of terrorism in armed conflict.	S/2002/1300	China	No
20 December 2002	Presidential Statement	Adopting emerging issues raised in SG report.	S/PRST/2002/41	Colombia	No
15 December 2003	Presidential Statement	Ten-point action plan and revision of Aide Memoire.	S/PRST/2003/27	Bulgaria	No
28 May 2004	4 th SG Report	Review of performance on PoC. Noted need for enhanced monitoring and reporting. Two key problems: lack of regional approaches and absence of inclusion of guarantees for civilian protection in peace processes.	S/2004/431	Pakistan	No
14 December 2004	Presidential Statement	Recognizes SG's report and requests him to submit a new report by November 28 2005.	S/PRST/2004/46		
21 June 2005	Presidential Statement	Expressed concern of limited progress on the ground.	S/PRST/2005/25	France	No

Date	Council Activity	Content	Document	Council Presidency	Middle Power?
14-16 September 2005	World Summit	Endorsement of R2P principles	A/RES/60/1 (Art. 138, 139)	N/A	N/A
22 November 2005	Arria formula meeting hosted by UK			Russia	No
28 November 2005	5 th SG Report		S/2005/740		
28 April 2006	3 rd thematic resolution	Reaffirmed R2P principles as formulated in 2005 Summit Outcome Document	S/RES/1674	China	No
4 December 2006	Open debate on PoC	R2P core principle of humanity.		Qatar	No
23 December 2006	Resolution 1738	Condemning intentional attacks against journalists.	S/RES 138	Qatar	No
23 June 2007	Open debate on PoC			Belgium	No
28 October 2007	6 th SG Report	Call for unhindered access to vulnerable populations.	S/2007/643	Ghana	No

Date	Council Activity	Content	Document	Council Presidency	Middle Power?
20 November 2007	Open debate on PoC		S/PV 5781 and Res.1	Indonesia	No
27 May 2008	Open debate on PoC		S/PV 5898 and Res. 1	United Kingdom	No
27 May 2008	Presidential statement	Reiteration of previous messages and request of SG report by May 2009.	S/PRST/2008/18	United Kingdom	No
12 January 2009	SG Report on the R2P	Clarifies the future of the R2P, prospects for enhancing understanding, capacity and implementation	A/63/677	France	No
14 January 2009	Open debate on PoC		S/PV 6066 and Res. 1	France	No
14 January 2009	Presidential Statement	Endorsing the revised aide-mémoire on the Protection of Civilians	S/PRST/2009/1	France	No

Table 2: Middle Powers’ Statements Regarding the Responsibility to Protect at the 2005 World Summit

Country	Speaker	Excerpt
Australia	Prime Minister John Howard	“On human rights and the rule of law, leaders’ endorsement of the concept of ‘Responsibility to Protect’ is a significant step forward.”
Canada	Prime Minister Paul Martin	“Clearly, we need expanded guidelines for Security Council action to make clear our responsibility to act decisively to prevent humanity’s attack on humanity. The “Responsibility to Protect” is one such guideline. It seeks rules to protect the innocent against appalling assaults on their life and dignity. It does not bless unilateral action. To the contrary, it stands for clear, multilaterally-agreed criteria on what the international community should do when civilians are at risk.”
New Zealand	Permanent Representative to the UN, Rosemary Banks	“The principle of non-intervention cannot be used to shield genocide, war crimes, ethnic cleansing and crimes against humanity.”
Norway	Prime Minister Kjell Magne Bondevik	“When a fellow human being needs our protection, we have a duty to help. One of the achievements of this Summit is our readiness to take collective action – through the Security Council – to protect. We will do so if peaceful means are found to be inadequate and if national authorities manifestly fail to protect ‘their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.’”
Sweden	Prime Minister Göran Persson	“It [outcome document] demonstrates that peace and security, development, and human rights form part of one single entity. It reminds us that we will not succeed in one area if we ignore the others. It affirms important principles, such as our collective responsibility to protect our populations from genocide and ethnic cleansing.”

