

## Contents

<i>Acknowledgments</i>	<i>page</i> xi
<i>List of Abbreviations</i>	xiii
<b>Introduction</b>	1
Purpose and Structure of This Book	8
Road Map	11
PART I THE RELATIONSHIP BETWEEN ‘PROTECTION’ AND ‘PEACEKEEPING’	
<b>1 Laws and Wars and Rights and Wrongs: The General International Legal Framework Relevant to Protection</b>	17
Introduction	17
Historical Overview	18
‘Humanitarian Interventions’ and the UN Charter	26
The ‘Protection Provisions’ of the UN Charter	36
A Responsibility to Protect?	43
R2P, POC and ‘Humanitarian Interventions’	52
Conclusions	57
<b>2 The Evolution and Conceptual Development of UN Peacekeeping and the Protection of Civilians</b>	59
Introduction	59
The First Phase of Peacekeeping	60
The ‘Core Principles’ of UN Peacekeeping and Their Evolution	72
The Challenges of the 1990s	74
Chapter VII and Humanitarian Crises	84
Humanitarian Interventionism	95

	Kosovo and East Timor	98
	Conclusions	104
<b>3</b>	<b>Competing Conceptions: The Protection of Civilians in UN Peacekeeping Operations</b>	106
	Introduction	106
	The First Protection of Civilians Mandate	107
	Protection and the ‘Third Phase’ of UN Peacekeeping	113
	POC’s Normative Significance	116
	POC and ‘Rights-Based’ Protection	125
	The Right of Humanitarian Access	133
	Rules of Engagement, IHL and International Human Rights Law	139
	Conclusions	150
PART II THE APPLICABLE LEGAL FRAMEWORK GOVERNING THE USE OF FORCE FOR PROTECTIVE PURPOSES		
<b>4</b>	<b>Relevant Provisions of International Humanitarian, Human Rights and Refugee Law</b>	155
	Introduction	155
	Relevant Provisions of IHL	156
	Relevant Provisions of International Human Rights Law	165
	The Inter-Relationship between International Human Rights and Humanitarian Law	182
	Extraterritorial Application of International Human Rights Law	189
	Refugee Law, Human Rights and Internal Displacement	199
	Conclusions	205
<b>5</b>	<b>The UN’s Legal Authority and Obligations to Protect Civilians</b>	207
	Introduction	207
	The Powers, Principles and Purposes of the UN Security Council	208
	Reviewing the Security Council’s Decisions	214
	The UN’s Legal Personality and Liability	216
	Attribution for Conduct and Conflicts	225
	Use of Force and Detention Powers	232
	Sanctions, Travel Bans and Asset Seizures	241
	Sexual Exploitation and UN Accountability	247
	Conclusions	252

## Contents

ix

PART III PROTECTION OF CIVILIANS MANDATES IN FOUR  
 CONTEMPORARY CASE-STUDY MISSIONS

<b>6</b>	<b>Peacekeeping or War-Fighting: The UN Missions in the Democratic Republic of Congo and Côte d'Ivoire</b>	257
	Introduction	257
	Democratic Republic of Congo	258
	Côte d'Ivoire	280
	Peacekeeping or War-Fighting?	289
<b>7</b>	<b>Acting with Moral Courage? The UN Missions to Darfur and South Sudan</b>	297
	Introduction	297
	Sudan (UNMIS)	298
	Darfur	305
	South Sudan	324
	The 'Positive Obligations' of UN Missions	333
	<b>Conclusions</b>	340
	<i>Appendix A: International Treaties and Soft-Law Instruments</i>	347
	<i>Appendix B: Cases</i>	356
	<i>Appendix C: UN Security Council and General Assembly Resolutions and Presidential Statements</i>	372
	<i>Bibliography</i>	379
	<i>Index</i>	407