

International Politics Special Issue:

Introduction:

The Politics of Protection and the Limits of the Ethical Imagination

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Introduction:

The fall-out from the 2011 Arab Spring has drawn ethical debates about the protection of vulnerable non-citizens into sharp focus. Dilemmas of militarised civilian protection, alongside questions about how best to respond to large-scale forced population displacement, have become significant features of the debate surrounding crises in the Middle East and North Africa. These debates reflect the continued trajectory of what might be understood as the politics of civilian protection, which emerged gradually from the large-scale conflicts of the 20th Century and achieved particular focus in the post-Cold War era. Whether related to developments in the refugee protection regime since the signing of the 1951 Convention on the Status of Refugees, or the more recent developments associated with armed humanitarian intervention, the central concern is the protection of civilians affected by violent conflict and large-scale human rights abuse.

Despite the considerable normative advances that have emerged from the politics of protection in the latter half of the 20th Century and the early 21st Century, the conflicts in Libya, Syria and beyond have demonstrated the limits of the current systems aimed at protecting civilians from the violence associated with armed conflict. Problems of political will and the salience of national interest are commonly identified as important barriers to effective civilian protection under the constraints of the current international order. However, the articles within this special issue take aim at a deeper problem within the current politics of protection – a stunted imagination regarding the modes, means, agents and concepts of protection. This special issue draws together the work of a diverse range of scholars responding to the challenge of the contemporary politics of civilian protection in the post-War on Terror and post-Arab Spring world. The central theme unifying this collection is the search for re-imagined

mechanisms, practices, and sources of legitimacy that might redefine the parameters of response to large-scale violence against civilians, beyond the impasse observed in recent years.

The first section of this introductory article examines the notion of a politics of protection, drawing out the evolution of norms, concepts and practices of civilian protection. A defining feature of the contemporary, contested, politics of protection is the position of vulnerable civilian populations, irrespective of nationality, as key security referents, for which those external to the conflict become in some way responsible. Normative developments in the aftermath of World War II positioned this responsibility in relation to the protection of those fleeing across state borders, codifying the concepts of political asylum and the refugee in international law. More recently, the protection of those affected by violent conflict has been married to practices of expeditionary militarism and the reformulation of sovereignty, through the increasing, though by no means universal, consensus on the legitimacy of armed humanitarian intervention and the Responsibility to Protect (R2P).

The second section explores the limitations of the current politics of protection and draws out the notion of a stunted ethical imagination. The principle contribution of this special issue is to look beyond the commonly cited reasons for the weakness of the current civilian protection architectures, toward an underlying limitation in the scope of the debate both among the advocates, critics and practitioners of civilian protection. The politics of protection has been constrained significantly by the reification of the extant systems and structures of world politics and the connection between protection and militarism. Whilst not wishing to deny the realities of these features, the special issue as a whole draws attention to the ways in which they over-constrain the possible in the ethics of civilian protection. It also suggests openings for alternative agents, practices, and concepts of protection. The third and final section of the present piece draws out some of the common themes within the special issue articles and maps out their contribution. The overall purpose of the special issue is not to provide comprehensive answers to the pathologies of the recent politics of protection, but rather to begin to map out possible openings for alternative strands of research that expand the imaginaries of the civilian protection debate beyond the constraints of its current parameters.

Conceiving the Politics of Civilian Protection

The end of the Cold War provided a distinctive opening for a greater focus on the protection of civilians during and in the wake of violent conflicts. Although part of a broader post-1945 trajectory in wartime harm reduction, encompassing the expansion of international

humanitarian law and the prohibition of certain types of weapons, the emergence of the humanitarian intervention debate and the concept of human security during the 1990s was distinctive in its greater acknowledgement of non-citizens as security referents. The UNDP's (1994) human security concept centred on the re-framing of security towards individual human beings rather than states, alongside a widening of the idea of security to incorporate divergent forms of threat beyond those posed by external military actors. These policy developments spawned a range of scholarship falling within the broad sub-discipline of 'critical security studies' emphasising a broadened exploration of security threats and, in some cases, a deepened normative commitment to human emancipation (see Booth, 1991; Buzan et al, 1998; C.A.S.E, 2006). Although human security is not framed as intrinsically at odds with state security, the concept opens out greater scope for the understanding of divergent security threats as interlinked across state borders and experienced by human beings on a global level, albeit with variegated local impacts. Drawing out the individual, rather than the state, as the primary point of reference in security discourse, opens up important questions about who is to be protected from threats to their wellbeing, and sets up a challenge to the traditional association of state borders and citizenship as the boundaries of protective responsibilities. Whilst this opens up a very wide range of possibilities for alternative practices of security, expanding state protective responsibilities beyond its citizenry has particular relevance for practices associated with armed civilian protection and the sheltering of refugees. The challenge to traditional accounts of security, alongside the risks and revised state practices required, has led to the emergence of distinctive politics, and ethics, of civilian protection in the late 20th and early-21st Century.

Armed Civilian Protection

The practice of armed humanitarian intervention since the end of the Cold War provides a window through which to examine the politics of civilian protection, and the ethical and legal dilemmas associated with how states should respond to the suffering of distant strangers. During the 1990s the contours of the contemporary humanitarian intervention debate became defined, with the explicit connection between the protection of civilians and military force evident during operations in Somalia, Bosnia, Rwanda and Kosovo. Enhanced protective commitments featuring in the reconceptualization of UN peacekeeping in *An Agenda for Peace*. The scope of UN peacekeeping was expanded beyond observation and monitoring, into disarmament, refugee repatriation, security sector reform, human rights protection and the reform of governance structures (United Nations, 1992: prg 55). Moreover, these complex protective responsibilities were also explicitly linked to the need for more robust and assertive

‘peace enforcement units’, suggesting an explicit link between military force and the protection on non-citizens (United Nations, 1992: prg 50). In practice, UN peacekeeping missions during the early 1990s were characterised by more permissive Security Council mandates authorising the use of military force to support the delivery of humanitarian aid.¹ Civilian protection responsibilities were not made explicit in peacekeeping mandates until Resolution 1270 (1999) concerning Sierra Leone. However, protecting humanitarian relief convoys in contexts where constriction of vital supplies was used as a mode of violence against civilian populations, made UN peacekeepers de facto armed agents of civilian protection.

Operations in Somalia, Bosnia and Rwanda were notable in revealing distinctive characteristics of the politics of civilian protection during the 1990s – the limited willingness of states to expose their citizens to harm in order to save non-citizens, the difficulties in reconciling civilian protection with peacekeeping practices designed to shore up a world order of sovereign states, and the problem of how peacekeepers might position themselves in relation to the so-called ‘Mogadishu Line’ – the boundary between consent-based forms of protective action and coercive military operations.² These problems were evident in the juxtaposition of more expansive and ambitious protective responsibilities in peacekeeping mandates and the restrictive traditional peacekeeping principles designed to work in compliance with the principle of non-interference in the internal affairs of states. In particular, the reliance on the consent of the host nation and/or parties to the conflict for the peacekeeping mission to operate posed particular problems to more expansive civilian protection responsibilities within Security Council mandates.³ In contexts where, as in Somalia, Rwanda and Bosnia, state actors or parties to the conflict were either complicit in, or direct perpetrators of violence against civilians, a clear tension was apparent between their wartime conduct and their role as sources of consent for peacekeeping operations with more overt protective responsibilities.

Inconsistency in political will and the depth of commitment of states contributing to UN civilian protection, were also significant dilemmas during this period. Despite the more assertive approach taken by UN forces in Somalia, the operation exposed limitations in political will and the reluctance of contributing states to place their soldiers at risk to protect non-citizens. The fallout from the confrontation between the US-led UNITAF contingent and

¹ The UN Security Council authorised the use of “all necessary means” to facilitate the delivery of humanitarian aid in Resolution 770 (Bosnia) and 794 (Somalia), both in 1992.

² Findlay (2002) and Wheeler (2000) both provides an insightful exploration of the challenges of expanded UN protection mandates in these early protection operations.

³ The ‘trinity’ principles of consent, impartiality and the non-use of force except in self-defence or defence of the mandate, continue to be defining features of contemporary guidelines on peacekeeping practice (DPKO/DFS, 2008: 31).

Somali militias in Mogadishu in October 1993 was the rapid withdrawal of US forces from the UN operation, following the deaths of 18 US soldiers, and the subsequent implementation of ‘Presidential Decision Directive 25’, imposing a strict national interest test on future US involvement in peacekeeping missions. Conceptual weaknesses – limited mandates, excessively restrictive rules of engagement and the unwillingness to move beyond traditional peacekeeping principles – may have been key drivers of the failure of UN peacekeepers to protect civilians in Srebrenica in 1995 or to prevent genocidal violence in Rwanda in 1994. However, that these conceptual limitations were not fully addressed at the time is also indicative of a lack of political will to construct practices of armed civilian protection that might place intervening forces at greater risk in circumstances where national interests were not immediately evident.

The experiences of militarised civilian protection during the 1990s led to shifts in the international politics of protection and the rapid evolution of both concepts and practices in the following decade. The emergence of the Responsibility to Protect (R2P) concept following the report of the International Commission of Intervention and State Sovereignty (ICISS) (2001), provided a direct engagement with some of the dilemmas evident in 1990s humanitarian interventions. The concept provides a re-formulation of sovereignty, from an absolute right to a contingent form of ‘sovereignty as responsibility’. Uncontroversially, the state is assigned the primary responsibility to protect its population from harm. The R2P’s principle innovation comes in its proposition that should the state be unwilling or unable to discharge this responsibility, the responsibility to protect falls to the international community (ICISS, 2001: XI). The state’s right to non-interference in its internal affairs is thus contingent on the state not manifestly failing to protect its population.

Whilst the original ICISS report gives considerable emphasis to the prevention of mass violence, it also provides a more direct accommodation of the militarisation of civilian protection evident in UN peacekeeping during the 1990s and the Kosovo intervention. Drawing from the principles of the Just War Tradition, the R2P creates explicit conditions for the use of military force to protect civilians under threat of large-scale violence.⁴ Moving away from the ad hoc modes of armed humanitarian intervention in the 1990s, the R2P provides a clearer normative framework for defining the limits of sovereignty in contemporary international society, clarifying the moral responsibilities owed to vulnerable non-citizens, and

⁴ Moving from this starting point, Pattison (2010) provides arguably the fullest exploration of the R2P in relation to the Just War Tradition.

providing some sense of the times when military force might play a role in protecting them. The concept has gained significant traction, at least in a discursive sense, at the United Nations. The R2P, albeit it in a modified form, was endorsed by the UN General Assembly in the *World Summit Outcome Document* of 2005 and subsequently in Security Council Resolution 1674 in 2006 (UNGA, 2005). Since 2006, the R2P has been mentioned in numerous Security Council resolutions, including those concerning conflicts in Mali, Sudan/South Sudan, Somalia, the Democratic Republic of Congo, the Central African Republic, Syria and Libya.⁵ Moreover, the UN Secretary General has since 2009 presented an annual report examining different aspects of the R2P and the practice of atrocity prevention at the UN. Whilst it remains a controversial concept, with limited consensus on modes of action beyond the proposition that states have a responsibility to protect their populations, a significant element of the R2P-related research agenda has examined its progress and potential solidification as a norm in international relations (see Glanville, 2016; Welsh, 2013; Acharya, 2013; Bellamy, 2013; Badescu and Weiss, 2010).

Parallel developments have also been evident in the development of UN peacekeeping concepts specific to civilian protection. The problematic experience of ad hoc protective responsibilities carried out by UN peacekeepers in the 1990s, resulted in the acknowledgment in both the Brahimi Report and the UN's Independent Inquiry into Rwanda, that once deployed there should always be an expectation that UN peacekeepers will act to protect civilians in their areas of operation from attack (United Nations, 1999: 51; United Nations, 2000: 11). Civilian protection as a key role for UN peacekeepers is articulated in both the 'capstone doctrine', which defines the overall agenda and guidelines for contemporary multidimensional UN peacekeeping, and the New Horizons report, mapping out the future trajectories for UN peacekeeping into the 21st Century (DPKO/DFS, 2008: 24; DPKO/DFS, 2009: 19-20). Rather than the product of ad hoc and incremental adjustments to peacekeeping mandates, civilian protection has become a common mandated responsibility, evident in the mandates devised for missions in the Democratic Republic of Congo (DRC), Cote d'Ivoire, Darfur, South Sudan, Haiti and the Central African Republic. The increasing prominence of such mandated responsibilities has, in turn, led to a widening of the peacekeeper training curriculum to focus on modes of military action more appropriate to safeguarding vulnerable civilians in active conflict environments (Gilmore, 2015: 127-159; Curran, 2017: 69-71). The potential utility of

⁵ The Global Centre for the Responsibility to Protect maintains a detailed list of the specific Security Council resolutions which mention the R2P. See <http://www.globalr2p.org/resources/335> (accessed 2nd October 2017)

embedding of protection of civilians responsibilities within UN peacekeeping, rather than R2P-like military operations emerging from the precepts of the Just War Tradition, is one of subtlety through the location of such responsibilities in the context in a well-established form of international engagement. Rather than the central focus of a high-intensity ‘showpiece’ military intervention, like Kosovo in 1999 or Libya in 2011, positioning civilian protection as one of the many day-to-day responsibilities of a ground-level peacekeeper, allows for a less obviously invasive and more sovereignty-respecting form of protective practice (Gilmore and Curran, 2017).

Refugee Protection

Between 2005 and 2015, the number of forcibly displaced persons reported by the Office of the UN High Commissioner for Refugees (UNHCR) rose from 20.8 million to 65.3 million (of which an estimated 12.4 million were newly displaced in 2015). Forcible displacement is the source of a range of demands for humanitarian assistance and international protection and recent scholarly work on refugees (especially Orchard, 2014) provides a useful inroad to considering the wider meanings of international protection. However, the complex relationships between conflict, crimes against humanity, and refugees in the politics (and ethics) of protection are not well understood. Taking only refugee protection, it remains the case that “the word protection is often unclear” (Goodwin-Gill, 1989). It might easily be assumed that refugee protection is only, or at least primarily, about protecting refugees from their own state. However, the refugee protection regime is directed at least as much at protecting refugees from the state in which they find themselves. The fear of the refugee, who has by definition left their own country, is substantially a fear of being returned (Fortin, 2001: 576). This fear forms the basis of the prohibition in the 1951 Convention Relating to the Status of Refugees on *refoulement*, or in returning refugees to a country where their life or liberty would be at risk. This protection – at odds with states’ normal rights to remove unwanted migrants – therefore stands as a vital and contested mode of civilian protection.

While the prohibition on *refoulement* stands as a landmark legal protection, its scope in practice is often limited by state policies which foreclose opportunities to seek asylum, fail to recognise people as refugees entitled to this protection, or return people to ‘safe’ countries which are anything but. The recent UK response to the humanitarian legacy of the ongoing conflict in Syria has favoured outward-oriented solutions, including military protection operations, the provision of camp-based assistance and the criminalisation of irregular migration and people traffickers. These are in line with broader trends in the recent politics of

protection, which has included the creation of temporary forms of protection, the construction of ‘international zones’ and the forestalling of spontaneous arrival asylum (Betts, 2004). Governments often produce their own lists of safe third countries and safe countries of origin, such as the list included at section 94(4) of the 2002 UK Nationality, Immigration and Asylum Act. The provision grounds ‘unfounded claims’ which will be rejected without the possibility of appeal. A parallel “expansion in deportation” (Gibney, 2008) has occurred in the same period, in which, according to some scholars, “deportations without individual verification have become the norm” (Buckel and Wissel, 2010: 42). The European Union (EU) has also been an innovator (though by no means alone) in its pursuit of ostensibly safe transit countries to which those in need of international protection can be returned. The EU’s Asylum Procedures Directive’s provision for safe third countries – which facilitated removals from the Union – has become less relevant as the EU has expanded (see UNHCR, 2010: 300), although the recent EU-Turkey deal (European Commission, 2015) and the EU readmission agreements (European Parliament, 2015) reached with countries that are arguable unsafe for particular minorities, reflect the removal imperative.

Restrictive policies of all kinds have proliferated since the end of the Cold War, after which it no longer suited the West’s ideological aims to host Soviet-bloc refugees who could be portrayed as defectors seeking freedom from Communism (Goodwin-Gill, 2008: 16). In the same period, other shifts in patterns of forced migration also began to factor into the narrowing space for refugee protection. While the phrase ‘jet-age refugees’ might obscure the proliferation of irregular sea-crossings in recent years, industrialised countries remain as concerned as they were in the 1980s by the considerable number ‘of people who travel from developing countries to industrialized countries in the West, often in a commercially organized manner’ (den Hond, 1988: 49). The Office of the UNHCR is humanitarian and non-political according to its charter, and yet reliant for its funding on donor states. It is not surprising, then, that the protection paradigm shift witnessed in state policy can also be traced in the contemporary UNHCR policy and practice of protection.⁶ The 1980s can be seen as the beginning of a ‘paradigm-shift’ in refugee protection. A new and concerted emphasis on overcoming the obstacles, both normative and practical, to repatriation (Long, 2008: 4) that began in this decade continues today. This development can be traced in conjunction with other protection policies including R2P, as part of a wider trend in which the responsibility for

⁶ The need for UNHCR to work explicitly with state governments to supplement the 1951 Convention explains also the organisation’s 2003 Convention Plus Initiative, which aimed to ‘facilitate the resolution of refugee problems through multilateral special agreements’ (UNHCR, 2005).

protection is tied to a person's own state, and solidarity operates at arms-length.

Just as the UN General Assembly (2005) adopted version of R2P emphasises the responsibility of civilians' own state for their protection, the contemporary refugee protection regimes demonstrates a substantial containment or 'source-control bias' (Aleinikoff, 1992: 121). In the 'turbulent decade' (Ogata, 2005) of the 1990s, UNHCR played a role in the creation and intended protection of 'safe havens', which often proved the very opposite of safe. The organisation was also criticised at this time for its involvement in repatriation efforts in which the principle of voluntariness was pushed "to its absolute limits, possibly beyond recognition" (Barnett and Finnemore, 2004: 106). Given the constraining effects of developed state policy on asylum, Human Rights Watch (1996) wryly observed that "the principle of voluntary return became a euphemism for no real alternative". Some of UNHCR's staunchest critics accused the organisation in the 1990s for complicity in a project of keeping 'those forcibly displaced [...] distant from western State boundaries' (Forsythe, 2001: 692-3). The over-bearing influence of restrictive state politics on protection concepts pursued even by ostensibly humanitarian actors, have clearly and severely constrained the horizons of contemporary refugee protection.

Pathologies of the Contemporary Politics of Protection

That the politics of civilian protection has evolved since its genesis in the early post-World War II period and the significant changes occurring since is without question. When it comes to protection at a distance, these changes have had important implications for the scope of cosmopolitan-minded responsibilities towards non-citizens affected by violent conflict. At the same time, large scale violence against civilians continues to be a key characteristic of conflicts around the world, indicating a significant space between cosmopolitan ethics of protection and the mitigation of real world vulnerability. For all of the apparent advances heralded by the R2P and the expansion of the scope and ambition of UN peacekeeping, the politics of civilian protection reveals the continuation of many of the limitations of the 1990s, and highlight the continuing resort to – and limits of – militarism. Whereas developed states have proven increasingly resistant to embracing the spirit of non-refoulement on which the 1951 refugee regime is founded, outward-oriented projections of protective force have been more common. This remains the case even after the passing of the humanitarian hey-day of the 1990s. Even during this period of relative cosmopolitan optimism, there was always a disjuncture between the promise of R2P and more robust forms of peacekeeping and the reality of civilians being left at the mercy of their own governments, such as the mass killings in Darfur (see De Waal, 2007). Although the diplomatic dialogue on the R2P and civilian protection

concepts continues to advance, the early 21st Century has continued to produce visible failures to prevent or arrest mass atrocity crimes have been evident in Sudan, Sri Lanka, Iraq, Syria, Yemen and Myanmar.

What remains clear is the continuing importance of sovereign political judgment, will, and commitment to the idea and reality of an international responsibility to protect. However, these state based constraints are not the only limiting constitutive factors relating to the contemporary politics of protection. Constraints are also imposed by existing inter-state *structures* and *practices*. As already noted, both the R2P and contemporary modes of peacekeeping have been designed to work within the existing structures of the UN, and are of course largely reliant on the provisions of the mandates provided by Security Council resolutions. As Hehir (2010: 231-233) notes, the endorsement of the R2P by the UN General Assembly in 2005 did not lead to any substantive reform of the Security Council, but rather reinforced its primacy. As a result, any decisions to intervene, such as Libya in 2011, reflect a highly contingent alignment of the interests of the permanent five members (P5) and key regional actors (Hehir, 2013).⁷ The limitations of the current institutional mechanisms and the impasse that can be created has been evident throughout the Syrian Civil War, with Russia making use of its veto power on eight occasions to protect the Syrian government from censure and to obstruct more extensive international responses through the UN system. The dependence on unreformed institutional structures asks serious questions about the appropriateness of these structures as mechanisms for protection. Where the UN is concerned, the politics of protection has been shaped by the institution's dual role as the guardian of a world of sovereign states and, simultaneously, as a vehicle for human rights protection and the promotion of security. This is similarly reflected in the continued primacy of the 'trinity' principles in UN peacekeeping. More assertive and comprehensive commitments to civilian protection in the practice of UN peacekeeping are juxtaposed with ongoing commitments to consent, impartiality, and the minimum use of force (see McQueen 2006: 8). While there has never been any shortage of proposals for UN reform, the in-built resistance of the Security Council to change can be neither ignored nor accepted when it comes to re-imagining civilian protection.

A further and significant challenge to protection is its long, intimate relationship with militarism. The close yet distinctly uneasy relationship between the two is exemplified in the

⁷ It must be noted that Bellamy (2011) also draws similar conclusions regarding the unique confluence of interests that led to resolution 1973, though adopting a distinctly more positive reading of the implications for the R2P than Hehir.

wide range of militarised protection concepts, activities, and debates already discussed, and addressed in more depth in the articles brought together in this special issue. Armed civilian protection is difficult to separate out from primary military activities which have historically been associated with the defence of the state's territory and an 'enemy-centric' approach that aims toward the physical destruction and coercion of an identifiable adversary. Transposing strategies and tactics designed for defending the self against the other onto military operations aimed at protecting the other, poses real risks of doing harm to the intended beneficiaries. This tension has played out in the turn toward 'robust peacekeeping' – a more assertive and militarised approach aimed at assuring 'freedom of action' for peacekeepers (DPKO/DFS, 2008: 35; Sartre, 2011: 11). The assimilation of a more aggressive posture emerges in a political context where there is an important lack of consensus on the both the meaning of civilian protection in practice, and on exactly how assertive/aggressive a 'robust' approach might be (Holt and Berkman, 2006; Tardy, 2011; Lilly, 2012). In such a context, there is an increasing likelihood that the national militaries seconded to perform protection of civilians operations in UN peacekeeping may resort to the familiar forms of high-impact warfighting for which they are primarily equipped. The constraints of established patterns of militarism on the politics of armed civilian protection have also been a significant feature of interventions conducted within the R2P framework. The R2P itself is premised on a relatively uncritical transposition of Just War Theory, and the underlying assumption that extant forms of military action are appropriate to operations aimed at arresting incidences of mass atrocity crime. The efficacy of enemy-centric military approaches in civilian protection in Libya and the problematic conflation of protection objectives with support for the war aims of the anti-Gaddafi rebels, exposed significant fractures in the level of consensus on the R2P. This was perhaps most notably reflected in Brazil's articulation of the 'responsibility while protecting' theme, highlighting the potential consequences of military intervention and the essential requirement for it to "produce as little violence and instability as possible" and "under no circumstance generate more harm than it was authorized to prevent" (UNGA, 2011: 3).

The politics of refugee protection are so closely connected to the wider imagination of civilian protection that it is regrettable that debates about it are so often set apart. The lack of commitment on the part of the international community towards any meaningful responsibility to protect Syrian civilians in situ is one factor in the huge number of people fleeing that conflict. The institutional barriers and the constraints posed by specific political interests not only hinder peace, they also hinder the space for asylum. While the concepts, policies and practices specific

to refugee protection are less directly related to militarism, violence – and the tendency for protective interventions to prolong or exacerbate it are primary causes of displacement today. The restrictive refugee policies that have developed in the post-Cold War era, associated, for example, with ‘Fortress Europe’ further represent the uneasy relationship between humanitarianism, state interests, international structures, and violence. The significant problems that have limited civilian protection in its various forms should not be underestimated. Many of these problems derive from the tension between the affirmation of sovereign-responsibility embodied in the UN Charter, the R2P, and the return-focused/source-control approach to refugees, and the more cosmopolitan imperative of protecting people from grievous forms of persecution and crimes against humanity.

Reinvigorating a Stalled Debate: The Case for New Ethical Imaginaries

The suggestion that our moral responsibilities extend to non-citizens has arguably become a more natural proposition, given extensive patterns of population movement and technological interconnectedness in the late-20th and early-21st Century. However, the compartmentalisation of world politics into state units creates a status quo which imposes important constraints on the imagined possibilities for protection. The central proposition of this special issue is that the parameters of the current civilian protection practice and the broader intellectual debate that surrounds it, indicate a stunted ethical imaginary and problematically narrow frames of reference. The openings provided by the human security concept and critical security studies have not been developed into more expansive explorations of how civilian protection might be achieved, who might be the most appropriate agents of protection, or the sources of solidarity and political legitimacy for the realisation of consistent protection from mass atrocity crime. The politics of protection and the underlying ethical imagination appears to have stalled around several connected themes, which the articles within this special issue aim to open up for more direct examination.

Agents of Protection and Spaces of Ethical Contestation:

The current politics of protection places a premium on advancements in the diplomatic dialogue and elite-level agreements on protection norms. In the context of the R2P, this can be seen in the preoccupation with the progression of the R2P as a norm and the meticulous cataloguing by its advocates of the number of times the concept is mentioned in Security

Council resolutions. Similarly, when examining the politics of refugee protection, attention is frequently directed at incremental progress in extending and defending the international normative architecture, or at national-level decisions to expand or limit the number of refugees received. There is an obvious and important reason for the elite-level disposition in the politics of protection. Decisions made at the elite-level matter very much. State resources are essential for both armed civilian protection and the reception of refugees. The state has a crucial function in defining the scope of ethical obligations in the construction of its foreign policy, and in defining its immigration and asylum policy, the degree of exclusion fomented by its borders. Moreover, the diplomatic dialogue on civilian protection provides a largely open and visible arena for ethical contestation, which might both lead to the generation of consensus on principles and modes of protection between states, and also prime wider societal attitudes towards the wellbeing of non-citizens. However, the dominant focus on elite-level practices obscures the imagination of forms of protection and ethical contestation at non-elite levels. Non-elite modes of ethical contestation on the subject of protection might take place within societies, through the conduits of global civil society, or in virtual environments such as social media. The implications are that there may be alternative spaces in which norms regarding ethical obligations to non-citizens might be formed, or where the principles agreed at the elite-level must be legitimated. Moving away from a near-exclusive focus on the elite-level diplomatic dialogue also allows the question of who protects and how protection is experienced to be posed. Whilst agencies of the state play roles in the protection of vulnerable non-citizens, they are not the exclusive actors in this process. Transnational networks, either physical or virtual, and local communities have an important role to play in developing a protective environment for those made vulnerable by violent conflict and human rights abuse. Expanding the ethical imagination beyond elite dialogues and practices thus opens up space for a fuller and more holistic understanding of the politics of protection.

Statist Structures and Processes

As discussed above, one of the main pathologies in the politics of protection has been the attempts to fashion a civilian protection regime within the structural and institutional parameters of a statist world order. It represents an attempt to pursue ethical responsibilities to the Other using tools primarily designed for a morally compartmentalised world. Normative frameworks for the protection of vulnerable non-citizens both home and abroad, have been

constructed to comply with the well-established rules of the state system, in particular those pertaining to sovereignty, non-intervention and the primacy of national interest in determining the scope of protection. Whilst human-security thinking has helped to draw out conceptualisations of security beyond the state, it runs in tension with existing statist imperatives. Christie (2010) argues that the critical and transformative potential of human security has already dulled as it has become effectively a new orthodoxy shaped in the service of existing Western security practices. As has been the case particularly with armed civilian protection, attempts to work within the narrow parameters of the status quo have resulted in the emergence of significant operational constraints that limit the capacity of expeditionary modes of protection. For refugee protection, the reliance on existing statist structures has resulted in the reification of exclusionary systems of border control and leaves the process through which refugee status is assigned vulnerable to short-term and populist forms of political expediency. Once again, this is not to suggest that existing state structures are intrinsically problematic or could not be re-imagined in order to better support protective practices. However, failing to look outside what already exists in order to provide a 'realistic' approach to protection fails to mount an adequate challenge to the morally compartmentalised status quo. A widened ethical imagination might look towards radically different forms of state practice or the expansive reform of existing state and inter-governmental systems. Alternatively, it might look to non-state or post-state forms of protective practice that work to transcend the borders and moral demarcation created by the state system.

Default Militarisation and the Problem of Violence

The concept of protection in world politics has an uneasy relationship with political violence. Whilst political violence can represent a fundamental source of insecurity and vulnerability for civilian populations, the use or threat of violence, most commonly undertaken by national militaries, also functions as a key role in the protection of a state's population. The role of violence in the protection of non-citizens and the paradoxes this generates has provided a major sticking point within the politics of protection. The debate on how best to prevent or arrest mass atrocity crimes has focussed disproportionately on the beneficial role that military force might play. The humanitarian intervention debate continues to be profoundly shaped by discussions of the legality or ethicality of military force to protect distant populations. As international response to the fallout from the Arab Spring indicates, even when armed

interventions do not result, the sense that military action may be appropriate and effective is present as a relatively default position. This default militarism in the civilian protection debate stands in marked contrast to the poor level of empirical evidence for the efficacy of military force as a tool for protecting civilians from mass atrocity crimes. Using military force to protect vulnerable non-citizens in distant conflicts raises a range of profound ethical, political and legal questions, which have characterised the humanitarian intervention debate. Practically and ethically, the use of military force has the potential to cause significant harm to the intended beneficiaries of a civilian protection operation. In a legal sense, the resort to military action, particularly in the absence of Security Council authorisation, challenges important legal norms of non-intervention and the non-use of force, which have helped to stabilise the international order. Despite these manifest controversies and the lack of firm supporting evidence for the efficacy of military force, the civilian protection debate continues to be characterised by default militarism, at the expense of other alternatives. The consequence once again is a stalled debate, which marginalises and affords limited space to non-militarised and potentially more imaginative forms of civilian protection.

Article Themes and the Contribution to the Civilian Protection Debate

The articles within this special issue all take aim at the notion of a limited ethical imaginary and aim to reinvigorate a stalled debate on the politics of protection. Their combined contribution is to open up new channels of debate and dialogue within the politics of protection and reach toward more imaginative processes, practices and conceptualisations of civilian protection than currently exist. The articles explore the divergent meanings of protection, offering critical insights into the complex relationships between international law, the state, violence, and protection, with a focus on the kinds of means and ends that are currently imagined and enacted. The articles are grouped around two sub-themes that examine different aspects of the limits of the contemporary politics of protection and the scope for more imaginative alternatives:

1. Agents of Protection and Spaces of Ethical Contestation

The first theme explores the questions of who protects, how they do so, and where ethical debates on protection might take place. The articles varyingly examine the role of the state and

how overseas ethical obligations are mediated within societies and how state action interact with ideas of moral solidarity. The authors explore alternative spaces and practices of protection and new sources of trans-border solidarity.

The articles by Kelly Staples, Jonathan Gilmore and Jenny Peterson draw on recent case studies (the recent European refugee ‘crisis, recent British foreign policy, and ‘creative resistance’ in Canada) to articulate the arguably increasing space between cosmopolitan ethics directed towards the protection of the vulnerable, and concrete policies and practices of protection. These articles address not only the limits of state agency, but also the boundaries of moral solidarity, new spaces of contestation, and new agents and practices of protection. In her article, Kelly Staples addresses the question of responsibility for those fleeing conflict, identifying the continuing ambiguity and ambivalence of solidarity, both in policy and in recent academic debates on protection. Her discussion of Europe’s recent refugee ‘crisis’ identifies significant limits to solidarity, and hence to the scope of protection. However, it also highlights the need – and potential – for International Relations (IR) scholars to re-imagine the relationship between ‘the real’ and ‘the ideal’ with the aim of re-imagining the ethics of difficult problems like the refugee ‘problem’.

Jonathan Gilmore’s article examines recent British foreign policy. He explores the inconsistency in the translation of cosmopolitan-minded ethical obligations into policy and practice, and demonstrates the importance of a ‘downward gaze’ to domestic contexts for understanding the space between the ideal and the real; or between commitment and policy. The contemporary difficulty of mobilising a resonant and unified foreign policy narrative is shown to create a need to re-conceive the ethics of protection of vulnerable non-citizens, drawing in new spaces of ethical contestation in the protection debate. Jenny Peterson’s article provides a call to resist the militarisation of protection. This article shows how a dominant liberal-realist ideology has informed global understandings, as well as public and political imaginations, of civilian protection and humanitarian assistance. Through an examination of concrete creative modes of resistance, she provides insights into how protection is already being re-imagined and drawing on different actors and forms of agency.

2. Imagining a Demilitarised Politics of Protection

The second theme examines the ways in which practices of protection have typically become coupled with militarism and the role of force in ‘saving’ vulnerable people. The articles address

the construction of violent means and ends, and the exclusion of pacifism and non-violence, from the theory and practice of protection. The authors also outline the potential for resistance and re-imagination in the politics of protection, examining the role a pacifist lens might play in shaping new possibilities for international engagement.

The articles directed towards this theme examine, in different ways, the specific role of violence and non-violence in the imagination of protection. Each addresses, in a different way, the impasse between means and ends in the current politics of protection, the problem of – and limits to – default militarism, and the marginalisation of non-violent alternatives in policy and academic debate. Richard Jackson's article on pacifism and ethics demonstrates that normative theorising in IR is generally limited to the question of when to employ violence. He shows the way in which the exclusion of pacifist perspectives constricts the ethical horizons of debate. By contrast, investing in the exploration of pacifist approaches is argued to have the potential to go beyond short-termism "taking us instead towards the goal of breaking the long-term cycles of violence which perpetuate vulnerability in the first instance". Related arguments are made in Jeremy Moses' call to detach prevention from intervention in the R2P project. His careful engagement with R2P and with recent debates about it concludes with an argument that the central tenets of human protection within the R2P can only be coherently founded upon a pacifist ethos. Helen Dexter's article asks why, in the light of the many failing of humanitarian intervention, the imperative of violence remains so central to the politics of protection. It re-imagines (non)violence with a view to articulating a pacifism that neither abstracts nor moralises, and which therefore re-imagines the relationship between what is 'real' and what is 'ideal'. The special issue as a whole shows the precise limits of the current politics of protection, and contributes to what we hope will be a much wider debate about the relationship between the 'real' world, active politics and resistance to violence in the future ethics and politics of protection.

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