Protecting Civilians in the Context of UN Peacekeeping Operations

Successes, Setbacks and Remaining Challenges

About this publication

Since 1999, an increasing number of United Nations peacekeeping missions have been expressly mandated to protect civilians. However, they continue to struggle to turn that ambition into reality on the ground. This independent study examines the drafting, interpretation, and implementation of such mandates over the last 10 years and takes stock of the successes and setbacks faced in this endeavor. It contains insights and recommendations for the entire range of United Nations protection actors, including the Security Council, troop and police contributing countries, the Secretariat, and the peacekeeping operations implementing protection of civilians mandates.

This independent study was jointly commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs of the United Nations.

Front cover images (left to right):
The UN Security Council considers the issue of the protection of civilians in armed conflict, 2009.
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Victoria Holt and Glyn Taylor
with Max Kelly

Independent study jointly commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs

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Foreword

As we mark the tenth anniversary of the Security Council's engagement on protection of civilians in armed conflict, we have reasons for both hope and concern.

Considerable progress has been achieved since the first landmark resolutions 1265 (1999) and 1296 (2000), and not least through the increasing number of peacekeeping missions expressly mandated to protect civilians, beginning with UNAMSIL. Over the past ten years, the Secretary-General has put forward over 100 recommendations in successive reports on the protection of civilians to the Security Council. The Council has taken many steps both in country-specific decisions and in thematic resolutions to improve the protection of civilians on the ground. Troop and police contributing countries have provided personnel in difficult and dangerous environments to fulfill protection of civilians requirements in peacekeeping mandates.

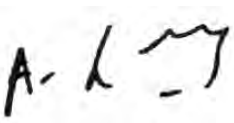
However, these positive developments have not translated into systematic and consistent protection of civilians on the ground. Peacekeepers and other key actors often still struggle to deliver on the promise of protection of civilians, embodied though it is in the very heart of the UN Charter.

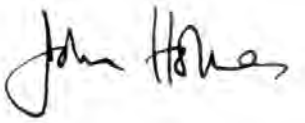
Ten years on, this independent study—jointly commissioned by DPKO and OCHA—examines the United Nations' efforts to implement protection of civilians mandates in UN peacekeeping operations. The study traces protection of civilians mandates from their elaboration in Security Council resolutions to their implementation in the field. It follows closely the realities on the ground and the complexities of the issues, bringing out in the process a number of shortcomings. The report not only provides clear findings but also makes specific recommendations for improvement to key actors involved in protecting civilians in peacekeeping contexts. We believe that the recommendations contained in this report will contribute significantly to efforts to enhance the protection of civilians affected by armed conflict.

We are therefore committed to taking forward key recommendations in the report that fall directly under the purview of the Secretariat, including better planning for missions mandated to protect civilians, a more coherent approach to protecting civilians, and improvement of the guidance available to missions mandated with this task. The whole United Nations system will also need to examine the various findings and recommenda-

tions in order to undertake the systemic improvements required to provide more effective protection to civilians, by filling the gaps in policy and preparedness described in the report. Protecting civilians must be a central priority for missions mandated to do so and must be the subject of coordinated attention in strategy setting, review mechanisms, and leadership at all levels. Coordinated action from the Security Council, Troop and Police Contributing Countries, the Secretariat, as well as UN Country Teams will be essential. To that end, we will ensure that this report is disseminated and discussed widely.

We would like to express our gratitude to all who have contributed to this important study. Our particular thanks go to the research team under the stewardship of Ambassador Mahiga of Tanzania, the Stimson Center for its invaluable support, and the Advisory Group members for their able counsel and expertise. It could not have been realized without their commitment and interest in advancing our efforts to protect civilians.





Alain Le Roy
Under-Secretary-General for
Peacekeeping Operations

John Holmes
Under-Secretary-General for
Humanitarian Affairs

November 2009

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About the Authors

At the time this study was written, **Victoria K. Holt** was a Senior Associate at the Henry L. Stimson Center, a think tank where she co-directed the Future of Peace Operations programme. She has since joined the US Department of State. The views expressed herein do not necessarily reflect the views of the US government or the US Department of State. Prior to this appointment, Holt's work included studies on peace operations, the protection of civilians, sanctions, and African capacities and rule of law. She is the author of *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations*. Holt led the expert group on military options of the Genocide Prevention Task Force, co-chaired by Madeleine Albright and William Cohen, which offered recommendations in December 2008 to the US president to enhance the US ability to address threats of genocide and mass atrocities. Before joining Stimson in 2001, she served as Senior Policy Advisor at the State Department (Legislative Affairs) focusing on peacekeeping and UN issues. Prior to that, Holt worked as a senior Congressional staffer for seven years, focusing on defense and foreign policy issues. She also served in various non-governmental organizations, including the Emergency Coalition for US Financial Support of the United Nations, a bipartisan coalition of leading statesmen and non-governmental organizations.

Glyn Taylor is a partner at Humanitarian Outcomes, a team of specialist consultants providing research and policy advice for donor governments and humanitarian organizations. His recent work includes studies for the Norwegian and Dutch governments on humanitarian financing and a review of the UK Government's humanitarian programme in Afghanistan. Before joining Humanitarian Outcomes, he worked as a deputy director and head of the advisory group for the Conflict, Humanitarian and Security Operations Team within the UK Department for International Development (DFID). He acted as the DFID humanitarian adviser for Darfur through 2005 and 2006, after leading the set-up of the OCHA office in Northern Darfur in 2004 on a UK government secondment. Previously, Taylor worked extensively through the UK government's emergency roster, including: surge support for OCHA in Afghanistan in 2001, the set-up of the DFID office in Afghanistan in late 2001, and a management role in Sierra Leone's DDR programme. Prior to this, he worked in a management capacity with large NGO programmes in Sierra Leone and Afghanistan.

With

Max Kelly is a research consultant with the *Future of Peace Operations* programme at the Henry L. Stimson Center. Since joining the programme in 2008, he has worked primarily on the prevention of mass atrocities and the protection of civilians in multilateral peace operations. Prior to joining the Stimson Center, Kelly served as Managing Director of the Cambodian Genocide Group's R2P Initiative and Policy Director of STAND Canada through 2005 and 2006. He studied at the University of Toronto's Peace and Conflict Studies programme, where he was selected as a 2006 Beattie Scholar. He has conducted field research in Sudan, Rwanda, and the Democratic Republic of the Congo.

Authors' Acknowledgements

This study benefited from the immense support and insights of many individuals. Interviews were conducted on a not-for-attribution basis, so we thank all those who gave so generously of their time, both from those within the United Nations and from those who are its keen observers. We are grateful to those who facilitated and supported our research in the DRC, Sudan and Cote d'Ivoire, as well as in New York and Geneva. We also thank the many who have served in peacekeeping operations and recorded their insights and observations, from which we benefited tremendously.

We would like to recognize the contribution of the study's management team, comprised of members of OCHA's Policy Development and Studies Branch (PDSB) and DPKO's Peacekeeping Best Practices Section (PBPS), who conceived of and launched this project. Their enthusiasm for this subject was matched by the recognition of the deep challenges involved. In particular, we thank Allegra Baiocchi of OCHA and Kyoko Ono of DPKO, who provided direct support and assistance to us throughout this enterprise. They also marshaled the interest of governments and opened doors within the UN system, for which we are truly grateful.

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We would like to thank our families, who gave us backing and understanding in this endeavor.

Finally, we thank those who serve in the field as peacekeepers of all kinds, who carry both our ambitions for the protection of civilians and the burden of knowing how far we still have to go.

List of Acronyms

AMIS	African Union Mission in Sudan
AO	Area of operations
APC	Armoured personnel carrier
AU	African Union
CASO	Cordon-and-search operation
CNDP	Congrès National pour la Défense du Peuple (National Congress for People's Defense)
CONOPS	Concept of operations
CPA	Comprehensive Peace Agreement
DDR	Disarmament, demobilization, and reintegration
DDRRR	Disarmament, demobilization, repatriation, resettlement, and reintegration
DPA	Darfur Peace Agreement
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
DSRSG	Deputy Special Representative of the Secretary-General
DSRSG/RC/HC	Deputy Special Representative of the Secretary-General/ Resident Coordinator/Humanitarian Coordinator
DSRSG–RoL	Deputy Special Representative of the Secretary-General–Rule of Law
DUF	Directive on the Use of Force
ECOMICI	Economic Community of West African States Mission in Côte d'Ivoire
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
EDHQ	Eastern Division Headquarters
EUFOR	European Union Force
FANCI	Forces Armées Nationales de Côte d'Ivoire (National Armed Forces of Côte d'Ivoire)

FARDC	Forces Armées de la République Démocratique du Congo
FDLR	Forces Démocratique de Libération du Rwanda
FGS	Force Generation Service
FN	Forces Nouvelles de Côte d'Ivoire
FNI	Front des Nationalistes et Intégrationnistes
FP	Framework Plan
FPI	Front Populaire Ivoirien
FPU	Formed Police Unit
FRPI	Forces de Résistance Patriotique d'Ituri (Patriotic Resistance Front in Ituri)
GoS	Government of Sudan
GoSS	Government of Southern Sudan
HRDLS	Humanitarian Recovery, Development and Liaison Section
IAHCC	Inter-Agency Humanitarian Coordination Committee
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
IDP	Internally displaced person
IEMF	Interim Emergency Multinational Force
IGAD	Intergovernmental Authority on Development
IHL	International humanitarian law
IMPP	Integrated Mission Planning Process
IMPT	Integrated Mission Planning Team
IMTF	Integrated Mission Task Force
ISF	Integrated Strategic Framework
ITF	Integrated Task Force
JAM	Joint Assessment Mission
JEM	Justice and Equality Movement
JMAC	Joint Mission Analysis Centre
JOC	Joint Operations Centre
JPT	Joint Protection Team
LRA	Lord's Resistance Army
MILOB	United Nations military observer

MINUCI	United Nations Mission in Côte d'Ivoire
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINUSTAH	United Nations Stabilization Mission in Haiti
MJP	Mouvement pour la Justice et la Paix
MLC	Mouvement pour la Libération du Congo
MOB	Mobile operating base
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MOU	Memorandum of understanding
MPCI	Mouvement Patriotique de Côte d'Ivoire
MPIGO	Mouvement Populaire Ivoirien du Grand Ouest
MPS	Military Planning Service
MRM	Monitoring and reporting mechanism
NEO	Non-combatant evacuation operation
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPLAN	Operations Plan
PCC	Police-contributing country
POC	Protection of civilians
QRF	Quick Reaction Force
QRM	Quick Review Mission
RCD	Rassemblement Congolais pour la Démocratie
RDF	Rwandan Defence Forces
ROE	Rules of engagement
SAF	Sudanese Armed Forces
SGBV	Sexual and gender-based violence
SLA	Sudanese Liberation Army
SPLA	Sudanese People's Liberation Army
SPLM	Sudanese People's Liberation Movement
SRSG	Special Representative of the Secretary-General

SSDF	South Sudan Defence Forces
TAM	Technical Assessment Mission
TCC	Troop-contributing country
TTT	Troops to Task
UNAMID	African Union/United Nations Hybrid Operation in Darfur
UNAMIS	United Nations Advance Mission to Sudan
UNAMSIL	United Nations Mission in Sierra Leone
UNCT	United Nations Country Team
UNDSS	United Nations Department of Safety and Security
UNHCR	Office of the United Nations High Commissioner for Refugees
UNMIS	United Nations Mission in Sudan
UNMO	United Nations military observer
UNOCI	United Nations Operation in Côte d'Ivoire
UNPOL	United Nations Police
UNPROFOR	United Nations Protection Force
UPC	Union des Patriotes Congolais
URUBATT	Uruguayan battalion
USG	Under-Secretary-General
ZOC	Zone of Confidence

Executive Summary

> "The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others. The United Nations is the only international organization with the reach and authority to end these practices."[1]
>
> *—Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict, 1999*

This study examines the creation, interpretation, and implementation of mandates for United Nations peacekeeping missions to protect civilians. Commissioned jointly by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the UN Department of Peacekeeping Operations (DPKO) as an independent study, its overarching objective is to produce analysis and recommendations to enhance the ability of UN peacekeeping missions to protect civilians.

The study examines the steps taken to transform the Security Council mandates to protect civilians into effective efforts on the ground—following the 'chain' of actions that support that process. As such, the study looks at the elaboration of mandates in the Security Council; explores the planning and preparations for missions, primarily within the UN Secretariat; and then considers UN peacekeeping missions themselves, including their interactions with host states and humanitarian actors. Four current peacekeeping missions are examined in greater depth to illustrate the challenges confronting them: MONUC, in the Democratic Republic of the Congo (DRC); UNOCI, in Côte d'Ivoire; and UNMIS and UNAMID in Sudan. At each link in the 'chain,' the report attempts to identify impediments to

[1] S/1999/957 of 8 September 1999, para. 68.

transforming ambitions to protect civilians into realities on the ground, and to provide recommendations for how to overcome them.

The security of civilians in post-conflict environments is critical to the legitimacy and credibility of UN peacekeeping missions, the peace agreements they are deployed to help implement, and the institution of the United Nations itself. Likewise, the role of peacekeeping missions in protection of civilians requires the political support of the Security Council and the main parties to the conflict. This lesson is not new, but needs emphasis, especially given the challenges facing modern peacekeeping missions.

Protecting civilians to protect the peace

Over the last two decades, the world has witnessed armed conflicts marked by systematic violence and mass atrocities against civilians, and has increasingly looked to the United Nations, and in particular to UN peacekeeping operations, to prevent and or to halt such crimes. The failures of missions to provide security in complex crises such as Somalia, and to protect civilians from mass atrocities in Rwanda and Bosnia, tested the fundamental principles and capabilities of UN peacekeeping operations and demonstrated that reform was urgently required.

Since then, notable efforts have worked to improve the overall effectiveness of UN peacekeeping operations, including their capabilities to protect civilians. For a decade, the UN Security Council has also expressed its resolve to support more effective missions, and to put a greater spotlight on the protection of civilians, as seen by its series of statements and resolutions, and the request that the Secretary-General issue regular reports on the protection of civilians in armed conflict.[2]

More tangibly, UN peacekeeping mandates have changed, as the Council has shifted peacekeeping well beyond its traditional role of monitoring the implementation of peace agreements over the last decade. Modern peacekeeping missions are multidimensional, addressing the full spectrum of peacebuilding activities, from providing secure environments to moni-

[2] UNSC resolutions on the protection of civilians include S/RES/1267 of October 15 1999, S/RES/1296 of 19 April 2000, S/RES/1674 of 28 April 2006, and S/RES/1738 of 23 December 2006. The President of the Security Council has issued statements on the protection of civilians on 12 February 1999 (S/PRST/1999/6); 15 March 2002 (S/PRST/2002/6); 20 December 2002 (S/PRST/2002/41); 15 December 2003 (S/PRST/2003/27); 14 December 2004 (S/PRST/2004/46); 21 June 2005 (S/PRST/2005/25) and 14 January 2009 (S/PRST/2009/1). The Secretary-General has submitted periodic reports on the protection of civilians, on 8 September 1999 (S/1999/957); 31 March 2001 (S/2001/331); 26 November 2002 (S/2002/1300); 28 May 2004 (S/2004/431); 28 November 2005 (S/2005/740), 28 October 2007 (S/2007/643) and 29 May 2009 (S/2009/277).

toring human rights and rebuilding the capacity of the state. Increasingly, such mandates also instruct peacekeeping missions to put an emphasis on the physical protection of civilians.

As part of this evolution, ten UN peacekeeping operations have been explicitly mandated to "protect civilians under imminent threat of physical violence."[3] The first mission provided with this explicit mandate language, the UN peacekeeping operation in Sierra Leone, UNAMSIL, was authorized in 1999 *inter alia* "to afford protection to civilians under imminent threat of physical violence."[4] By 2009, the majority of the nearly 100,000 uniformed UN peacekeepers deployed worldwide operate with such mandates.

The link between the protection of civilians and peacekeeping mandates is central. First, the safety and security of civilians is critical to the legitimacy and credibility of peacekeeping missions. Missions rely upon their legitimacy with the local civilian population and external observers alike to help build peace and maintain political momentum behind the peace process. Moreover, wherever peacekeepers deploy, they raise expectations among the local population—and among those who view missions from afar—that the reason for their presence is to support people at risk. As seen in Rwanda, the Balkans, Sierra Leone, Haiti, DRC and Darfur, among others, peacekeeping operations that are ill-prepared to address large-scale violence directed against civilians will falter and may even collapse. While missions work to manage high expectations, they also need to address the security of civilians to build and maintain the legitimacy and credibility needed to carry out their other mandated tasks to assist with the political and local reconsolidation efforts and peacebuilding.

Of course, UN peacekeeping missions do not and cannot 'own' the concept of protection. They bring international civilian, military and police skills and assets to operational arenas in which other protection actors are present, including the host state, mandated UN protection agencies, non-governmental organizations and the International Committee of the Red Cross. It is essential that the actions are coherent and mutually reinforcing where possible.

Second, the protection of civilians is a critical component for a sustainable political peace. A peace agreement that does not bring a halt to armed violence, widespread human rights abuses and violations of international humanitarian law—or that tolerates continued violence against

[3] UN-led missions include UNAMSIL; MONUC; UNMIL; ONUB; MINUSTAH; UNOCI; UNMIS; UNIFIL; UNAMID; and MINURCAT. The Council also used similar language for missions led by others.

[4] S/RES/1270 of 22 October 1999, para. 14.

sectors of the population—cannot lead to legitimate governance. Where civilians remain at risk, efforts to establish governance, security, and the rule of law may flounder and be unsustainable. Neither a legitimate state nor efforts for a stable peace can be founded on a political settlement or government that leaves a population at risk of systematic or extreme violence.

Finally, the protection of civilians by peacekeeping missions is also central to the legitimacy and credibility of the entire United Nations system. These operations are among the most high-profile manifestations of UN action and their conduct has implications for the organization as a whole. Certainly the inability of peacekeeping missions to address violence against civilians in the past has damaged the standing of the United Nations and threatened to discredit the practice of peacekeeping in general.[5] Indeed, the challenge of protecting civilians cuts to the core of the UN purpose—'to save succeeding generations from the scourge of war.' In an era of complex conflicts in which civilians continue to be targeted, the organization can neither avoid its duty to protect civilians, nor afford to be discredited by failing to live up to its own ambitions.

Taking stock ten years later

Ten years after the Sierra Leone mission mandate and the first Secretary-General's report to the Security Council on the protection of civilians, OCHA and DPKO recognized the need to look more closely at the protection of civilians by UN peacekeeping missions. The importance is clear—today eight UN peacekeeping missions are explicitly mandated to protect civilians under imminent threat of physical violence, as well as to uphold other protection measures, ranging from ensuring security for vulnerable groups to supporting IDP returns. Yet the UN Secretariat, troop- and police-contributing countries, host states, humanitarian actors, human rights professionals, and the missions themselves continue to struggle over what it means for a peacekeeping operation to protect civilians, in definition and in practice.

Both as a broad concept, and in the specific context of peacekeeping, the 'protection of civilians' is open to numerous interpretations. This study confirms that there is no unified interpretation of the concept for protection of civilians in peacekeeping operations. Further, the variety of views

[5] 'No failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its failure to distinguish between victim and aggressor.' Brahimi Report , A/55/305–S/2000/809 of 21 August 2000, p. ix.

and understandings had direct implications for this report. The team began by examining a broad range of language from peacekeeping mandates touching on aspects of the protection of civilians. As the study progressed, discussions with those on the Security Council, in the Secretariat, and in the field revealed that the most common association of the concept in the context of peacekeeping centred on the 'protection of civilians from imminent threat of physical violence.' Thus, while other critical components of peacekeeping missions contribute to the protection of civilians, the focus here is on the need to understand and support peacekeeping mission's overall aim to protect civilians and to support better understanding of what that means in the context of physical threats.

The study authors benefited from the leadership of Ambassador Augustine Mahiga of the United Republic of Tanzania and the guidance of an expert advisory group. Interviews and an extensive review of available UN and other relevant documents were used to examine the chain of events outlined above, with a focus on four peacekeeping missions which the team visited: MONUC, UNOCI, UNMIS, and UNAMID.

The challenge of protecting civilians

The study aimed to identify and follow the chain of actions that lead to Security Council mandates, through to UN mission planning and deployment following Council action, to the activities of the peacekeeping operation being established and managed in the field. Over the course of a year, the authors identified critical elements linking Security Council mandates and peacekeeping missions in the field, and found dramatic gaps that undermine the ability of peacekeeping missions to protect civilians. Recognition of, and improvements in, this chain of actions should lead first, to a better understanding of the challenges by all protection actors; second, to the provision of the requisite political support and resources by the Member States; and third, to improvements in the implementation in peacekeeping missions across the board.

Key findings

This study found that the presumed 'chain' of events to support protection of civilians—from the earliest planning, to Security Council mandates to the implementation of mandates by peacekeeping missions in the field—is broken. Key areas which need to be addressed are identified.

The planning that informs Security Council deliberations and peacekeeping mandates does not consistently take into consideration the nature of the threats to civilians. Under the UN Charter, the Security Council has primary responsibility for maintenance of international peace and security, including the establishment of UN peacekeeping operations. Informed by weeks and often months of planning within the Secretariat prior to Council negotiations and adoption of resolutions mandating a peacekeeping operation, the language adopted by the Council in resolutions defines the mission objectives, gives the basis for designing and deploying the mission, and guides the work of its leaders and personnel in the field. However, this study found little evidence that pre-mandate planning and assessments consistently address threats to civilians—this means that these threats are less likely to inform mission mandates, strategies, structures or resources.

The Secretariat and peacekeeping missions do not have a clear understanding of the Council's intent regarding 'protection of civilians' mandates. In this regard, one source of confusion has been the multiple meanings the Council has attached to the term 'protection of civilians' in peacekeeping mandates, and its relationship to various concepts of protection. The Council has used this terminology to refer to the broad normative framework that prohibits violence against civilians in some instances; the full range of humanitarian and peacebuilding activities in which the UN system engages in others; and the narrower concept of 'physical' protection supported by the peacekeeping mission overall, but with a presumptive focus on actions by its military and police assets. The Council has also employed the language of 'protection of civilians' in mandates to describe mission objectives, as well as to identify specific tasks. These variations have resulted in both very narrow and very broad interpretations of the term by planners, implementers and other key stakeholders, without a consensus around which to structure their efforts. One meaning consistently offered by Council members was that which was used in the Sierra Leone mandate in 1999: that in its simplest form, the Council intends the instruction to 'protect civilians' to ensure that peacekeepers help prevent and halt acts of extreme violence. Integral to this meaning is the 'objective limit' discussed at the time, which today still provides a useful framework of protection within realistic bounds of geography, function and capacity. In short, that means the mission should work to prevent the escalation of vio-

lence against the population, alongside the mission's more routine efforts to offer security to those in the mission area.[6]

The Security Council has also contributed to ambiguity. Despite enduring consistency in mandate *language* regarding the physical protection of civilians, there is no consistent perception of Council *intent* amongst senior UN mission staff, either within the UN Secretariat or UN peacekeeping missions. The Council has not squarely asked the Secretary-General and the Secretariat to answer how they are addressing what peacekeeping missions actually do in relation to the physical protection of civilians; how they measure progress; or how the missions interact with other actors, including the host state and/or parties to the conflict.

Confusion over the Council's intent is evident in the lack of policy guidance, planning and preparedness. This creates and exacerbates critical gaps in policy development, planning and preparedness that are the responsibility primarily of the Secretariat. UN guidance regarding interpretation of these mandates for peacekeeping missions does not exist. The 2008 Capstone Doctrine incorporates the protection of civilians as a cross-cutting issue, but offers no operational definition around which planning for specific missions can take place. In the absence of guidance codifying what 'protection of civilians' means in operational terms, the planning process for individual missions is generally silent about what kinds of 'protection' are offered to whom, from what, and within what limits. Thus, the result of the current confusion about Council intent and the gap in guidance is that UN mandates to protect civilians are not effectively translated into operational strategies through the planning process for UN peacekeeping missions.

The impact of the lack of clarity on the planning process has knock-on effects for mission resources as well. Because the operational requirements for missions to implement protection of civilians mandates have not been described, the parts of the planning process that focus on securing resources do not account for the additional resource demands associated with protection of civilians mandates, thereby compounding the challenges for missions once they reach the field.

The study identifies 'pivot points' within the planning process that should (but do not yet adequately) consider insecurity of civilians in the

[6] The Council does include caveats in mandates that limit what peacekeeping operations are expected to do, such as protect civilians "within capabilities and areas of deployment" and with "respect to the responsibilities" to avoid creating unrealistic expectations both internationally and in the mission area about the extent of the protection a mission can provide, and avoid mandating the force beyond what it can realistically do.

preparations for peacekeeping missions. Crafting a coherent approach requires advance planning to ensure that future and current missions have the authority and capacity to protect, a strategy that support its aims and accounts for the realities in the field, a knowledge of how to protect civilians, and the willingness to use those tools to good effect.

These gaps also manifest themselves in the extremely limited training that senior mission leaders and uniformed personnel receive on the protection of civilians prior to deployment. This leaves senior mission leaders and contingent commanders to make decisions about mission strategy and tactics in the absence of clear guidance from the Council, the Secretariat, Member States or the General Assembly's Special Committee on Peacekeeping Operations (C-34). Even the ability of talented senior leaders to craft coherent approaches is compromised by issues of preparedness, as they often serve without a clear understanding of what protection of civilians mandates mean, how it is to be addressed and whether it is a priority.

The gaps in policy guidance, planning and preparedness fundamentally hamper implementation of mandates to protect civilians by peacekeeping missions. Fundamentally, the protection of civilians is a job in the field, where interpreting and implementing Council mandates is the role of UN peacekeeping operations. Critical gaps in the guidance, planning and preparedness of missions and peacekeepers, however, leave a tremendous burden to those in the mission, who must sort out these larger questions, devise strategies to carry out the peacekeeping mandate, and manage day-to-day operations.

This study found many dedicated and creative individuals who persevere despite a lack of clarity, some of whom have taken the initiative to develop new tools, and all of whom need help from the rest of the institution to better fulfill its ambitions. This report revealed the following gaps at the field level.

- **Lack of mission-wide strategy:** The majority of current UN peacekeeping operations do not have mission-wide strategies that address protection of civilians, either as a day-to-day plan to utilise mission assets to reduce violence and threats to civilians, or to respond to crises. Some missions have begun to develop tools and strategies, but mainly they are being conceived and elaborated on an ad hoc basis. The UNMIS draft strategy developed subsequent to the field visit and detailed in Chapter 4 of the report offers a promising template that could be tested, revised and duplicated elsewhere.

- **Leadership matters:** Senior civilian and military mission leaders alike demonstrate no consistency in either their level of understanding or their relative prioritisation of the issue of protection of civilians. Where leaders do grasp the issue, plans and strategies emerge. Even with a substantive section in a mission dedicated to the protection of civilians, senior leaders will be decisive as to whether and how protection of civilians is addressed.
- **Structures and resources:** In addition to leadership, missions need the requisite structure and capacity to develop and implement protection strategies. Again, no consistent approach was found across the case studies. Neither the best mandate, nor the best-led mission, is likely to succeed if the operation is not designed and resourced to support its objectives.
- **Information collection and analysis is critical:** The United Nations has recognized the need for better information and intelligence, specifically in relation to the protection of civilians, yet various and inconsistent models exist in the field. While necessary to develop effective strategies to protect civilians, most missions do not have sufficient capacity to collect and analyze the information needed to address day-to-day threats nor to predict potential crises that could lead to rapid escalations of violence

While peacekeeping missions should address these gaps to ensure they respond to the unique demands involved in protecting civilians in a crisis, there are a number of steps that must be taken farther up the chain to ensure that missions possess the authority, willingness, knowledge, preparedness and capacity to execute their mandates.

Recommendations

Given the centrality of the protection of civilians to a mission's success and the unique role and capabilities that UN peacekeeping missions can offer in protecting civilians, the United Nations must ensure that the following fundamental components exist for all peacekeeping missions mandated to protect civilians.

Threats to civilians must be considered at the earliest stages of planning, and the Security Council fully briefed ahead of its deliberations on peacekeeping mandates. Planning should involve understanding civilian

insecurity in the mission area, which impacts the mission's aims and the political and humanitarian dynamics. The Council should ask that it be fully and accurately briefed on the threats and vulnerabilities that face the civilians in the mission area. Such information is critical for the Council members in shaping mandates for potential or existing missions, and for identifying the nature of the threat (e.g., criminality, ethnic clashes, routine or systematic violence, deprivation), and the nature and capacities of the belligerents.

The Security Council must clarify its expectations regarding the implementation of peacekeeping mandates to protect civilians. As discussed above, peacekeeping has moved beyond its traditional role of monitoring peace agreements to more multidimensional and integrated operations with an increasing focus on the protection of civilians.[7] This trend demands, in turn, greater clarity from the Council on how the protection of civilians should be prioritized and implemented by peacekeeping missions. This is particularly necessary in light of the tensions with other mandated objectives that can arise in complex post-conflict environments characterized by tenuous consent and cooperation from the host nation or determined spoilers. In using the same mandate language for various missions, the Council needs to give regular attention to its subsequent impact, for the populations, peacekeepers and the missions overall. That attention is best given before crises strike in the field.

Further, the Council needs to monitor the implementation and impact of mandates on the ground more closely, and support missions that face challenges in protecting civilians. The Council should ask the Secretary-General to report on mission strategies to protect civilians, and the challenges that emerge in harmonizing the implementation of the protection mandate with missions' other responsibilities. Finally, the Security Council has a unique role to play in supporting the political process that is the basis for the deployment of a peacekeeping mission; in helping support Member States provide properly trained and equipped military and police personnel; and in offering direct support to missions.

The Secretariat needs to address the protection of civilians seriously for peacekeeping operations. After 10 years of missions with these mandates, DPKO has not yet elaborated guidance on protection of civilians.

[7] The principles of UN operations still remain consent of Host States, impartiality and minimal and proportionate use of force/defence of self and mission, but they have been pushed to go beyond to legitimacy, credibility, local ownership.

Most missions are designed without considering this aspect of the mandate, nor is it a prominent consideration in recruiting and deploying personnel. DPKO further lacks a mechanism to survey UN mission leaders and uniformed peacekeepers on how they have addressed this aspect of the mission. DPKO itself has not provided consistent and candid reporting on protection of civilians in its reports to the Council.

Protection requires a partnership with Member States that provide peacekeepers. For police and troop contributing countries, peacekeeping tasks have grown dramatically over the last decade, as have expectations of what missions can achieve. For the many troop and police contributing countries that participate regularly in these missions, their own operational experience has not been tapped for reflection on what the direction to protect civilians meant to them, what strategies they used, and what they found worked and did not work as part of a mission-wide approach. The challenges that the more than 100 countries providing personnel have faced and dealt with need to be understood, and that knowledge incorporated into future guidance and practice.

The role of peacekeeping missions as protection actors *must be operationally defined* to clarify what missions *do* and the roles of individual actors within missions. This is of particular importance for those who are not technical specialists in protection, especially senior mission leaders, police personnel, and military officers. The lack of an operational concept for peacekeeping missions, and the confusion between other concepts of protection, undermines the ability of missions to define their role and develop coherent strategies at the most fundamental level. After a decade of Council resolutions and nearly a dozen peacekeeping missions with mandates to protect civilians, inattention to the operational impact of these mandates reaches across the system.

The Council's caveats for protection in peacekeeping mandates can provide the right balance for action by peacekeeping missions—if they are used effectively. Even bounded by caveats, Council mandates to protect civilians "under imminent threat of physical violence within capabilities and areas of deployment" and with "respect to the responsibilities" of the host state are ambitious, and missions must strive to implement them within these limits. If the requisite political commitment to support the mission by either the Security Council or the parties to the peace is missing, it will undermine peacekeeping missions' legitimate role in supporting

protection of civilians. Peacekeepers cannot operate without some semblance of a 'peace to keep,' or halt determined belligerents backed by a state. Moreover, SRSGs need the support of the UN Security Council members and the Secretary-General to engage effectively with the host state, to hold them accountable for fulfilling their responsibilities, and to contribute to the protection of civilians with the requisite back up as needed.

Peacekeeping operations cannot 'protect everyone from everything'—and they need to manage expectations. Where missions have no viable strategy when faced with belligerence from the parties to a conflict, or the incapacity of a host government to partner with their actions, the mission may risk exhausting its resources and abilities. If conflict ignites, missions should be prepared to provide short-term or limited security, but they are not designed to substitute for a stronger political intervention or the greater capacity available to the Security Council through individual Member State-led operations. Missions need such back up for potential crises, which history demonstrates have struck operations regularly.

The Secretariat must ensure timely and accurate reporting of their operational contexts, including on the protection of civilians. The Security Council must follow-up on Secretariat reporting, including by regularly reviewing mandates to appropriately address emerging protection concerns. An effective public information strategy is required at the country level to ensure that populations and the international community understand mission approaches and capacities.

Peacekeeping missions must do more to protect civilians. Even with the inherent limitations of UN operations, all missions must assess the threats and risks to the population and develop mission-wide strategies that take into account those vulnerabilities. Where necessary, such strategies should *include* a full range of measures to support and provide protection, ensure security, and to support actions that eliminate the ability of perpetrators, or potential perpetrators, to threaten the population. The development and implementation of such strategies requires that missions are willing to do so, perceive that they have the authority, that personnel have adequate capacity and knowledge of how to achieve their strategic aims, and that each mission has the appropriate leadership. Leadership is particularly critical in this regard. Mission leaders need to be better selected and better prepared. They need to be held accountable for the production of mission wide strategies, the implementation of such strategies, and for reporting on their results.

Specific recommendations

This report makes recommendations across four themes to improve the effectiveness of UN peacekeeping missions in protecting civilians:

1. Linking the Security Council to the Field
2. Mission-Wide Strategy and Crisis Planning
3. Improving the Role of Uniformed Personnel
4. Political Follow-Up: Achieving Mission Aims

The recommendations under these themes are directed to the full range of actors that influence the creation, interpretation, and implementation of protection of civilians mandates for peacekeeping missions, including the Security Council, the Secretary-General, DPKO, OCHA, Member States, troop contributing countries (TCCs) and police contributing countries (PCCs). The following is a selection of the key recommendations from across those four themes drawn from the full list provided in Chapter 5:

- DPKO should lead the development, in consultation with humanitarian and human rights actors, of an operational concept of protection of civilians to assist with development of planning, preparedness and guidance for future missions. That concept should be based on the aim of the peacekeeping operation to prevent systematic and widespread physical harm to the civilian population, and supported by the anticipation, prevention and interruption of such violence with the tools for the mission, including use of the political, military, police and other mission resources.
- OCHA should initiate a policy discussion at the global level amongst relevant bodies including the IASC, Global Protection Cluster and DPKO on proactive approaches to working with peacekeepers on protection of civilians.
- The Secretary-General and DPKO should ensure that clear protection of civilians responsibilities are detailed in the SG's directives to SRSGs and in compacts between the Secretary-General and SRSGs**.**
- Member States should support development of their own views from field experience on measures to support more effective peacekeeping missions with mandates to protect civilians.
- DPKO should clearly explain the capabilities required to carry out protection-related tasks for contingents involved in implementing the protection of civilians mandate and to support the development of appropriate troop and police pre-deployment training. This requirement should be developed and disseminated by DPKO to all countries providing personnel (TCCs, PCCs) as early as possible. Member States and the C-34 committee should actively facilitate the development of guidance on the protection of civilians for peacekeepers, recognizing that its absence impacts the abilities of those already deployed to fulfill their mission roles effectively.
- DPKO should establish a joint team at headquarters level for education and outreach. Teams could visit capitals of major contributing countries to liaise with senior political/military/police leadership plus staff colleges/commanders to explain scenario-training modules on the use of force and conduct of missions, including robust operations, under Chapter VII. SRSGs, DSRSGs, HCs and Force Commanders should be given explicit pre-deployment training on issues related to the protection of civilians in armed conflict and mandate issues, including team scenario exercises.

- DPKO must ensure that the complex threats to civilians are considered at the pivotal points in the planning process: the *Strategic Assessment*, where mission planning begins; the *USG's Planning Directive*, which forms the bridge from the strategic objectives identified by the Secretary-General to subsequent operational planning; the *TAM Report*, where draft plans can be checked against the realities on the ground firsthand, and the *Secretary-General's Report* to the Council, which shapes the mission mandate and structure in its core document; the *Military CONOPS* and *Police CONOPS* which shape all aspects of the military and police components, respectively, from resources to logistics to ROE; and the *briefings to TCCs and PCCs*, as a means to ensure the contingents deployed to the mission are able, willing, and prepared to implement the POC mandate.
- Missions must develop and implement strategies that address *both* 1) persistent low-level threats to civilians and 2) potential crises that could trigger sharp escalations of violence against the population. Recognizing the importance of adopting a comprehensive approach to addressing such threats, SRSGs should be required to produce and report upon a cross-mission protection strategy, whose development is led by a focal point with appropriate seniority and authority to foster effective coordination across all mission components.
- During mission planning and deployment, SRSGs and mission leaders, with DPKO and Member State backing, must ensure the provision of four basic elements in each peacekeeping mission, required for mission-wide delivery on protection of civilian mandates:
  - One senior mission leader designated to develop and 'drive' the mission-wide implementation of the protection of civilians strategy.
  - A systematic approach to building an ongoing analysis and understanding of the threats and vulnerabilities for the civilian population in the mission area.
  - A mission structure that both drives the collection of such data, as well as its analysis and distribution to relevant actors, and provides capacity within the peacekeeping mission to play the technical, secretariat and reporting functions.
  - A specific methodology to anticipate, plan for, and run tabletop and planning exercises for upsurges in violence and other protection crises at the senior leadership level.
- In order to implement these four elements, the DPKO should be provided with additional dedicated civilian planning staff to improve civilian participation in and contributions to the planning process for peacekeeping missions.
- SRSGs should display their leadership by establishing coordination arrangements on POC that include all the various parts of the mission—in particular the political, military, policy—and human rights and humanitarian actors, including to develop the joint/common POC strategy.
- The study found that while the Security Council was engaged actively at the outset in developing the mandate for the mission, there is more limited or inconsistent follow-up once protection of civilians mandates are established. The Council needs to be kept candidly and comprehensively informed about challenges missions may be facing, including through their own field visits. This requires that the Secretariat be fearless in its advice to the Council through reports of the Secretary-General and in briefings. In turn, the Council must provide the necessary political support to mission leaders—including the SRSGs, DSRSGs, Force Commanders and Police Commissioners—in the field when they seek to fulfill protection of civilian mandates. The Secretary-General should also address POC in the Policy Committee, in an open and candid manner, and prepare reports to the Council on peacekeeping missions which address, and inform, the Council's mandate discussions and assessments of their progress.

Opportunities for increased effectiveness

There is increased recognition today of the role for peacekeeping operations in the protection of civilians, which suggests that needed positive changes are achievable. As detailed throughout the report, there are a number of stakeholders within the United Nations—the Security Council, the UN General Assembly and the Secretariat—that are working to better understand the issue and strengthen the protection of civilians within peacekeeping operations. More specifically:

- The UN General Assembly and the Security Council are both taking steps to tackle the issue, as demonstrated in the positive language on peacekeeping and the protection of civilians in the March 2009 report of the General Assembly's Special Committee on Peacekeeping Operations (C-34) discussed above.
- Reflecting the UN General Assembly and Council's efforts, the Secretariat is taking steps to strengthen the protection of civilians within peacekeeping operations. The concept has gained recognition in recent high-level reviews of peacekeeping practice, including the DPKO 'New Horizon' non-paper. This report calls for further policy development and clarity among peacekeeping stakeholders to ensure a common understanding of the issue and more effective efforts to address it on the ground. The report highlights the need for and in part reflects efforts to draw upon lessons learned and fill the policy and guidance gap discussed in this report.
- A wide range of UN Member States have increased attention to and visibility for the protection of civilians, including sponsored discussions and dialogue within the United Nations and their own countries.
- The integrated approach to mission planning mandated by the Secretary-General's 2000 guidance note and the 2006 Note of Guidance on Integrated Missions offers new opportunities for the prioritization of the protection of civilians—a broad concept that requires collaborative effort across the UN 'family'—in joint UN strategies for peace consolidation, particularly within an integrated strategic framework.
- New and innovative mission-level strategies and activities on protection have also recently emerged, as detailed in the case studies annexed in this report, and more useful tools and practices are being developed at the field level. Some of these strategies are being developed in coordination with humanitarian actors, who, in addition to protection programming, provide protection by presence, often in areas outside of the peacekeeping mission's footprint.

This independent study commissioned by DPKO and OCHA is in and of itself evidence of the momentum behind deeper consideration of the topic, and of the existence of continuous gaps in delivering effective protection to civilians. This report finds that while much needs to be done, strong leadership can counter-balance some of the tensions in peacekeeping and integrated missions and encourage collaborative work practices under challenging circumstances.

Moreover, non-governmental organizations, popular movements and the media have also dedicated increasing attention to better understanding and advancing the protection of civilians. This consistent level of attention—from political leaders to the general public—provides 'oxygen' that can and will help keep this issue alive in the UN system. Conversely, badly analysed POC efforts by the popular movements and the media could diminish innovation and de-motivates the mission to take action in protecting civilians.

These opportunities and the attention directed to the issue of protection can help ensure that all relevant actors recognize the centrality of protection of civilians, provide impetus to address the gaps outlined in this report and ultimately assist the peacekeeping missions in understanding and implementing its protection mandate. Rather than fear that mandates directing missions to protect civilians are directing peacekeepers to protect everyone from every risk, mission leaders should welcome the direction to do what is intrinsic to their mission's success, and to open up a dialogue with the host nation, UN agencies, past and potential belligerents, the local leaders and those whom they aim to support in the political process about what roles they all should play in bringing about the end to conflict.

There is no more compelling or credible stance for a mission than to advocate for the most vulnerable. This is deeply tied to assisting the host State in fulfilling its protection responsibilities, and in speaking up if that is not a responsibility that the government can meet. That role is the basis of the UN's moral authority, and a powerful tool in winning over reluctant peacemakers, in speaking truth to the abusive, and in building credibility with both the local population and those worldwide concerned for civilians caught in conflict. Such moral suasion can have a tangible result: this apolitical but firm stance will help deliver credence to the mission's authority and determination to use its impartiality against those who challenge its efforts. In the end, this approach to protection of civilians does not guarantee success. But the effort to protect will engender respect and stave off those who would consider challenging the United Nations in the future.

CHAPTER

Introduction

1

> "The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others. The United Nations is the only international organization with the reach and authority to end these practices."[1]
>
> —*Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict, 1999*

The protection of civilians is an obvious aim for United Nations peacekeeping operations. Today, most peacekeeping operations have UN Security Council mandates directing them to protect civilians, whether in Liberia or Haiti, Lebanon or Sudan. Yet fundamentally, this direction from the Security Council is the source of both inspiration and confusion to missions. Successive peacekeeping mandates have built on lessons from the field but remain difficult to execute for missions operating in challenging and complex environments.

This introduction first provides the basics of this study: a brief backdrop followed by a description of its aims, terms of reference, methodology, and scope. Second, it turns to consider the importance of the study at this time. Next, it identifies key issues that impact the context for this analysis, of critical importance to UN peacekeeping operations and the protection of civilians, but for which a detailed investigation is beyond the scope of the study. Finally, this chapter lays out the narrative thread for the rest of the report.

[1] Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict, S/1999/957 of 8 September 1999, paras. 67, 68.

The basics of the study

Background

The contemporary debate concerning the protection of civilians by UN peacekeeping operations has its roots in the crises of the mid-1990s. In response to the failures of missions in Bosnia and Rwanda to prevent mass atrocities, practitioners, observers, advocates, and theorists alike struggled to define the problem and adapt the concept of peacekeeping—and global governance in general—to a new set of challenges. These efforts developed along a series of parallel tracks: humanitarian and political–military; emergency reaction and long-term prevention; peace and justice. As demonstrated by the mandate of the UN Mission in Sierra Leone (UNAMSIL) in 1999,[2] these trends began to converge around the ambition for peacekeeping missions to protect civilians in the midst of conflict.

The Security Council has expressed its resolve through a series of documents, including three resolutions on the protection of civilians in armed conflict: 1265 (in 1999), 1296 (in 2000), and 1674 (in 2006).[3] In resolution 1674 the Security Council expressed its intention of ensuring (i) that protection of civilians mandates include clear guidelines as to what missions can and should do to achieve those goals, (ii) that the protection of civilians be given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of the mandates, and (iii) that protection mandates be implemented. Notwithstanding the clear call for guidance expressed in resolution 1674, none has been forthcoming.

In late 2009, eight UN peacekeeping missions were explicitly mandated to protect civilians. Yet the UN Secretariat, troop- and police-contributing countries, host governments, humanitarian actors, human rights professionals, and the missions themselves continue to struggle with what it means for a peacekeeping operation to protect civilians, in theory and in practice.

Study objectives and terms of reference

This independent study was commissioned jointly by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Department of Peacekeeping Operations (DPKO). Its overarching objective is to produce analysis and recommendations in the form of a report to enhance the ability of UN peacekeeping missions to protect

[2] S/RES/1270 of 22 October 1999.

[3] See S/RES/1265 of 17 September 1999, S/RES/1296 of 19 April 2000, S/RES/1674 of 28 April 2006.

civilians. The study sets out to examine the steps taken by all relevant actors to transform the protection of civilians from a mandate task into an objective of the mission—and into actual protection activities on the ground. As such, the study initially looks at the elaboration of mandates in the Security Council; explores the planning and preparations for missions, primarily within the Secretariat and DPKO; and then considers UN peacekeeping missions themselves, including their interactions with host governments and non-governmental actors. The recommendations are intended to help strengthen all steps of this process.

Prior to the research phase, the following specific aims were outlined:

- identify experiences of key actors—including innovations and principal difficulties—at each stage of the process;
- identify actual protection activities on the ground, specifically focusing on the role of UN military and police, as well as their relationship with substantive civilian components of the mission (such as its senior civilian leadership, civil and political affairs, and human rights sections) and with the humanitarian community, including the UN Country Team, the Protection Cluster, and host-country counterparts;
- identify good and bad practices of protection of civilians activities to date, recognizing that some practices may have had unintended impacts (positive and negative) that need to be taken into account; and
- identify areas where further action may be required at all levels, focus on areas that require priority attention, and suggest approaches that are likely to have the greatest impact on the ground.

Before the research phase began, the study's management and research teams looked at the Security Council's mandate language for peacekeeping missions, with the aim of agreeing on the primary areas to be considered. This focus included a range of references in UN mission mandates to the protection of civilians 'under imminent threat of physical violence' and the physical protection of humanitarian personnel, as well as responsibilities such as facilitating the provision of humanitarian assistance, preventing sexual and gender-based violence, assisting in the creation of conditions conducive to the return of internally displaced persons and refugees, and addressing the special protection and assistance needs of children. In essence, this is a subset of the themes included in the *Aide Mémoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict*.[4]

[4] The current *Aide Mémoire* is the result of ongoing consultation between the Security Council and OCHA, as well as between OCHA and relevant UN departments and agencies, and other relevant humanitarian organizations. It is intended to facilitate the Security Council's consideration of issues relevant to the protection of civilians in armed conflict (S/PRST/2009/1 of 14 January 2009).

Methodology

The study was primarily undertaken using two methods: interviews and desk-based research. Interviews were standardized to the extent possible, based on the study terms of reference and discussion with the study management team from DPKO and OCHA during the design phase. To encourage candid views, individual interviews were preferred and the research team agreed not to quote or cite individuals in an identifiable manner. Where individual interviews were not possible due to time constraints, group discussions were held, using a modified interview style. Interviews were held in several 'blocks' over the course of the study, with concentrated sessions of meetings in New York, Geneva, and in the field—in Sudan, Côte d'Ivoire, and the Democratic Republic of the Congo (DRC)—over the course of one year. The research team built upon these in-person interviews with telephone and email exchanges, as well as with additional meetings and conferences in Washington, DC, New York, and the United Kingdom.

The desk research included a review of materials provided by the United Nations regarding its planning and preparation for missions, its documents from the field, and internal and external reports and studies. A bibliography of published articles and documents drawn on by the research team and cited in the footnotes is provided at the end of each chapter.

Overall, a wealth of material was collected through research and provided by UN and mission staff. There were limitations, however. Many requested UN documents were not provided to the team, including reports on major incidents in the field and planning and mission reporting documents. Research into the humanitarian side of the enquiry, in particular, would have benefited from more historical written material. Some materials were provided too late to assess and use appropriately; other information was not for citation. These restrictions have impacted the study, demonstrating that this subject matter should be explored in more depth.

The team leader, Ambassador Augustine P. Mahiga of Tanzania, offered insight, support, and counsel throughout the study, while also facilitating and participating in high-level meetings in New York and the DRC. The study team benefited from guidance of an expert advisory group, which met on three occasions, and the direct support of OCHA and DPKO professional staff, who assisted with all phases of the research, field mission visits, consultations, and formulation of the work.[5]

[5] See the 'Acknowledgements' section for a description of the DPKO/OCHA management team, the research team, and the advisory group.

Scope

The research team took a standardized and literal approach throughout the enquiry, focusing on what interviewees themselves said 'protection of civilians' meant for their own work and for peacekeeping missions, specifically in relation to Security Council mission mandates. As detailed later in the introduction and in the findings, this specific approach led to a deeper focus on the discussion of the protection of civilians from 'imminent threat', the language to which interviewees made most reference. This finding does not imply that the research team considers other Security Council protection language in peacekeeping mandates of lesser importance; rather, it reflects that those other aspects of protection were not *intuitively* associated with the term 'protection of civilians' by many interviewees. While acknowledging that this produced an unintended emphasis on the protection of civilians 'from imminent threat', the research team concluded that this finding was itself of substantive value in taking forward both the intent and findings of the study.

This research touches on many important issues that are beyond its anticipated scope. This study was not designed to define the precise meaning of protection—that has been done by others after great thought and effort; instead, it sets out ways in which the concept can be clarified for those within the Security Council, the troop-contributing countries, police-contributing countries, and peacekeeping operations, how that understanding can be improved, and how mandates to 'protect civilians' can be better implemented. This analysis is not a report on all the issues facing peacekeeping missions today, nor is it an evaluation of the four missions visited for the case studies, though there is a great deal of material on both subjects. It should also be noted that this research does not aim to define or discuss the related yet separate concept of a 'responsibility to protect', an important subject currently under discussion within the United Nations and often raised with the research team. Similarly, detailed investigations into other critical issues—such as the integration debate, robust peacekeeping, civilian–military relations, and human resources—are beyond the scope of this project.

Terminology and language

This report deliberately avoids the use of the term 'humanitarian space' except when quoting sources or interviewees who have used the expression.

This decision was taken early on in the design process, in recognition that the term is understood differently among various communities related to this study. The term was originally used in the context of humanitarian operations. It is generally accepted among humanitarian actors as describing an operating environment made accessible to them on the basis of local acceptance of their neutrality and impartiality. For many in the peacekeeping community, it has come to mean space afforded by an external security presence, where forces facilitate actions by others.[6] While not using this specific term, the research team affirms the importance of humanitarian principles in their relevance to operations of UN humanitarian agencies and other humanitarian actors, both generally and in the context of UN integrated missions.

Why is the protection of civilians important?

The legitimacy and credibility of peacekeeping missions

First, civilian security is critical to the legitimacy and credibility of peacekeeping missions. Most fundamentally, a political peace cannot be founded on a peace that does not address civilian insecurity. For example, a peace agreement that does not bring a halt to armed violence and widespread human rights abuses—or that segregates or allows continued violence against sectors of the population—cannot lead to legitimate governance. A UN mission to support a political peace will lose credibility if it supports a political agreement that does not address such violence.

Further, missions rely upon their legitimacy with the local civilian population and external observers alike to help build peace and maintain political momentum behind the peace process. Moreover, wherever peacekeepers deploy, they raise expectations among the local population—and among those who view missions from afar—that *the* reason for their presence is to support people at risk. Indeed, many UN peacekeepers—civilians, police, and military alike—think their aim is to protect civilians. There is strength in this belief, which should give backbone to the mission. Thus, while the mission works to manage high expectations, it must also address civilian insecurity in order to build and maintain the legitimacy and credibility needed to carry out its other mandated peacebuilding tasks.

6 See O'Neill (2004) and Wheeler and Harmer (2006).

Mission success and exit

Second, the protection of civilians is a critical component for a sustainable political peace. When the UN sends in peacekeepers, it makes the statement that an international effort will work towards building a stable peace in that region. Peacekeepers go in soon after the formal end of a conflict, when peace is often more of an aspiration than a reality, to help prevent the reoccurrence of violence and to support a political process. Where civilians remain at risk, efforts to establish governance, security, and the rule of law may flounder and be unsustainable. Neither a legitimate state nor efforts for a stable peace can be founded on a political settlement or government that leaves a population at risk of systematic or extreme violence.

Peacekeeping missions risk failure if they are unable to anticipate, mitigate, or halt extreme violence against the population. While all peacekeeping missions innately face hazards—it is the nature of the enterprise—the vulnerability of the population in so-called post-conflict environments is one area that all missions must take into consideration, and which can undermine the mission's own credibility and effectiveness in short order. As seen in Rwanda, the Balkans, Sierra Leone, Haiti, DRC, and Darfur, among other conflict-torn areas, peacekeeping operations that are ill-prepared to address large-scale violence directed against civilians will falter and may even collapse.

Successful missions are those that deal with the protection of civilians as an integrated part of their aims. Whether charged by the Security Council to support security and stability, to organize elections, to help build the rule of law, or to help implement a power-sharing accord, the mission's ability to appreciate the threats and vulnerabilities facing the civilian population will strengthen its ability to deliver on these mandated tasks. Elections will only be possible if people are free and safe to travel to vote; political stability will be enhanced if insecurity is quelled; and power-sharing will only succeed where stakeholders do not have to fear for their lives.

Institutional legitimacy of the UN

Finally, the protection of civilians by peacekeeping missions is also central to the legitimacy and credibility of the United Nations. Peacekeeping missions are among the most high-profile manifestations of UN action and their conduct has implications for the organization as a whole. The inability of peacekeeping missions to address violence against civilians—

stark examples of which have been seen in Bosnia, Rwanda, DRC, and Darfur—has damaged the standing of the United Nations and threatened to discredit the practice of peacekeeping in general.[7]

Such crises generate questions among Member States about the wisdom of investing resources in peacekeeping and, more broadly, about the ability of the United Nations to address the current proliferation of civil conflict. For civilians in the conflict zone and global public opinion in general, failures to protect civilians suggest that the international commitment to espoused ideals of human rights, peace, and security is mere rhetoric. Such doubts cut to the core of the UN's raison d'être—'to save succeeding generations from the scourge of war'.[8] In an era of complex conflicts in which civilians continue to be targeted, the organization can neither avoid its duty to protect civilians where peacekeeping missions are deployed, nor afford to be discredited by failing to live up to its own standards.

The context framing this report

The study follows a presumed 'chain' of activities from the Security Council, through mission planning, and ultimately to the peacekeeping operation in the field. Improvements in this chain could lead to corresponding improvements in the mandate implementation in peacekeeping missions. There are, of course, multiple policy-related, political, and institutional issues that impact the 'technical' implementation of mandates. While a detailed analysis of any of these issues is beyond the scope of this study, they are important to identify as related to the subject and in contextualizing this report.

The broader political context

The debate around the protection of civilians by peacekeeping missions is inseparable from the broader politics in and around peacekeeping. Tensions exist between the Security Council and the General Assembly regarding authority over missions and peacekeeping policy in general. Security Council members have not consistently provided frontline troops for peacekeeping missions mandated to protect civilians, creating a perception among

[7] 'No failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor,' *Report of the Panel on United Nations Peace Operations*, A/55/305–S/2000/809 of 21 August 2000, ('The Brahimi Report').

[8] *Charter of the United Nations*, Preamble, 26 June 1945.

some troop-contributing countries that they are not willing to share the risks that such mandates—and robust peacekeeping in general—entail.

Further, the premise of peacekeeping operations is twofold. First, missions must be able to operate impartially, with proportionate and minimum use of force. Second, there must be a basis on which missions can provide support to a peace process, notably the consent of the main parties to the conflict. What happens when that basis is not present? When such conditions are not genuinely established and peacekeepers deploy nonetheless, many of the tensions identified in this study are exacerbated. Another presumption of peacekeeping missions is that mandates will be matched with capacity, yet that is not often the case.

Coupled with these dynamics, the United Nations is a forum for geopolitics, and tensions over other issues in global governance impact peacekeeping policy and practice. Schisms created by the 2003 invasion of Iraq over the legitimate use of force within the UN order, for example, have raised fears around the erosion of sovereignty regarding the concept of responsibility to protect, which has been associated with the concept of the protection of civilians.[9]

Positive language was included in the March 2009 report of the General Assembly's Special Committee on Peacekeeping Operations (C-34), which acknowledges the prevalence of protection of civilians mandates among current peacekeeping missions, allowing for a constructive discussion.[10] An increasing number of international workshops, enquiries by governments, and UN initiatives all point to the depth of interest in the issues confronting contemporary UN peacekeeping operations, with the protection of civilians prominent among them. Thus, this study emerges at a critical juncture in the discussion, and in a climate receptive to serious pragmatic enquiry.

Protection remains a challenging concept

Fundamentally, as both a broad concept and specifically within the context of peacekeeping, 'protection' remains open to a number of interpretations.

[9] In September 2005, leaders attending the World Summit at the United Nations included the following language in their outcome document: 'Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.' The outcome document also proposed actions that individual states and the international community should take to uphold this responsibility and prevent and respond to such atrocities, including collective action ranging from peaceful means under Chapters VI and VIII to other means under Chapter VII. See *2005 World Summit Outcome,* A/RES/60/1 of 24 October 2005, paras 138–39. This responsibility was later reaffirmed in Security Council resolution 1674 (S/RES/1674 of 28 April 2006, para. 4).

[10] *Report of the Special Committee on Peacekeeping Operations and Its Working Group*, A/63/19 of 24 March 2009.

The concepts of 'protection' and 'protection of civilians' have wholly unique meanings for some communities, while others consider them interchangeable. (As noted above, this discrepancy constitutes a finding of the research, but its relevance here is as a critical piece of the context in which UN peacekeeping operations exist and an issue that extends across the whole study.) It is widely recognized that the Council's conceptualization of the protection of civilians has varied over time.[11] It has used the term 'protection of civilians' in relation to protection norms set out in the Geneva Conventions and subsequent Protocols. Alternatively, it has used the term in a much more narrow sense, to describe the mandated role of peacekeepers 'to provide physical protection' through their use of 'military capability in the field either to deter attacks on civilians or, sometimes, to use force to defend civilians from attack'.[12]

Traditionally, armed forces of Member States—and, therefore, the personnel they contribute to UN peacekeeping operations—do not have clear concepts or doctrinal guidance on what it means to 'protect civilians' in the context of peacekeeping operations (see Chapter 3). This conceptual gap has led to operational gaps in the field that can impede the implementation of protection of civilians mandates when contingents are unfamiliar with or ill-prepared for the demanding nature of such missions. The lack of one meaningful definition for peacekeeping missions overall, and for the uniformed component of UN operations, has only heightened confusion and crosstalk.

Integration

The objectives of UN peacekeeping missions have 'evolved from maintaining the *status quo* (as defined, for instance, by a cease-fire agreement) to a more ambitious programme of *managing transitions*',[13] such as assisting in post-conflict reconstruction or state-building, often in situations of major humanitarian need. The multi-dimensional nature of such an undertaking demands effective coordination and has led to consistent calls for improvements in the coherence of the application of UN resources. Following the Secretary-General's guidance note of December 2000[14] and

[11] See, for example, Security Council Report, *Cross-Cutting Report No. 2: Protection of Civilians*, S/2008 of 14 October, 2008.

[12] Ibid. (p. 3).

[13] Eide et al. (2005, p. 10).

[14] *Note of Guidance on Relations between Representatives of the Secretary-General, Resident Coordinators and Humanitarian Coordinators*, Note from the Secretary-General, 11 December 2000.

its 2006 revision—*Note of Guidance on Integrated Missions*[15]—the more recent Decision on Integration reaffirms integration as:

> the guiding principle for all conflict and post-conflict situations where the UN has a Country Team and a multi-dimensional peacekeeping operation or political mission/office, whether or not these presences are structurally integrated.[16]

The decision emphasizes the strategic partnership of the mission and the UN Country Team (comprised of the representatives of the operational UN agencies on the ground) as a way to 'maximize the individual and collective impact of the UN's response'.[17] An important 2005 UN study on integrated missions spelled out key dilemmas within the concept of integration, reflecting issues commonly identified by staff working in both the humanitarian and peacekeeping fields with the ambition of operating as integrated missions. Indeed, humanitarian and human rights dilemmas are recognized as inherent in the concept of integration. The *humanitarian* dilemma concerns the tension between the partiality involved in the UN peacekeeping mission's support to a political transition process and the impartiality of actions that are the basis and nature of humanitarian operations. The *human rights* dilemma refers to:

> the tension that arises when the UN feels compelled to promote peace by working with those who may have unsatisfactory human rights records, while still retaining the role of an 'outside critic' of the same process.[18]

Clearly both of these dilemmas play out sharply in the context of the implementation of protection of civilians mandates. These tensions are heightened when the government of the nation hosting an integrated mission is clearly identified or understood to be a belligerent or an abuser or to support (or not oppose) violent activities through proxies. In such cases, the political instinct of the mission to act as a partner to the government is at particular odds with the desire of the humanitarian and human rights components of the mission to counter such behaviour.

This study takes the view that protection is a broad concept that requires collaborative effort and benefits from coherence of approach across

[15] *Note of Guidance on Integrated Missions*, Note from the Secretary-General, 17 January 2006.
[16] Ibid. (para. i).
[17] Ibid (para. i.a).
[18] Eide et al. (2005, p. 3).

the UN 'family' in any given context. While this approach does not require any particular model of integration, it stands to reason that a contested model of integration in any given context, either on practical or principled grounds, means that a coherent protection strategy is less likely to emerge.

Why there is reason for optimism

Notwithstanding the above-mentioned challenges inherent in this study and its subject, there are many reasons to believe that positive changes are possible. As detailed throughout the report, a number of stakeholders within the United Nations—the Security Council, the General Assembly, and the Secretariat—are working to better understand the issue and strengthen the protection of civilians within peacekeeping operations. More specifically:

- Both the Security Council and the General Assembly are taking steps to tackle the issue as demonstrated in the positive language on peacekeeping and the protection of civilians in the March 2009 report of the General Assembly's Special Committee on Peacekeeping Operations (C-34) discussed above and the protection of civilians as a key theme of the Security Council through the 2009 presidency of Austria.
- Reflecting the Council and the General Assembly's efforts, the Secretariat is also taking steps to strengthen the protection of civilians within peacekeeping operations. The concept has gained recognition in recent high-level reviews of peacekeeping practice, including DPKO's *New Horizon* study.[19] This report calls for further policy development and clarity among peacekeeping stakeholders to ensure a common understanding of the issue and more effective efforts to address it on the ground. The report highlights the need for guidance and lessons learned and also reflects existing efforts within the Secretariat to fill these gaps.
- The protection of civilians has risen on the agendas of numerous Member States, which have sponsored discussions and dialogue within the United Nations and in their own countries.
- The integrated approach mandated by the Secretary-General's 2000 guidance note—and particularly the 2006 *Note of Guidance on Inte-*

[19] *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping,* New York: UNDPKO, July 2009.

grated Missions referred to above[20]—offers new opportunities for the prioritization of the protection of civilians. As a broad concept, it requires collaborative effort across the UN 'family'—in joint UN strategies for peace consolidation, and particularly within an integrated strategic framework.

- New and innovative mission-level strategies on protection have also recently emerged, as detailed in the case studies of this report, and additional useful tools are being developed at the field level.

This independent study is evidence of the momentum behind deeper consideration of the topic. This report finds that while much remains to be done, strong leadership can counterbalance the many tensions in peacekeeping and integrated missions and encourage collaborative work practices under challenging circumstances.

Although not reviewed in this report, non-governmental organizations, popular movements, and the media have also dedicated increasing attention to better understanding and advancing the protection of civilians. This consistent level of attention—among political leaders as well as the general public—provides 'oxygen' that will help keep this issue alive in the UN system.

The broad structure of the report

This introduction, Chapter 1, details the basics of the report, its scope, and methodology. It considers both the importance of the protection of civilians as a theme and the broader context of the debate.

Chapter 2: The UN Security Council and Protection of Civilians Mandate Language begins by considering the first aspects of the 'chain' of actions—Council mandates. This chapter summarizes the last decade of Security Council resolutions on the protection of civilians, including the initial use of peacekeeping mandates directing missions to protect civilians under 'imminent threat of physical violence' in the context of the Sierra Leone mission in 1999. It then considers the growing thematic approach to the protection of civilians in resolutions and in mandates for peacekeeping missions, examining the context for Council protection aims in the peacekeeping and humanitarian communities, and the role of Secretary-

[20] *Note of Guidance on Integrated Missions,* Note from the Secretary-General, 17 January 2006.

General reports on the protection of civilians led by OCHA. It establishes the basis for recognizing the protection of civilians as an operational requirement for peacekeeping and for understanding what makes mandate language confusing for mission planning and execution.

Chapter 3: Security Council Mandates, Individual Peacekeeping Mission Planning, and Secretariat Policies investigates the UN mission planning process, both before and after Council action, with an emphasis on the treatment of the protection of civilians in assessing and developing peacekeeping operations. This chapter focuses on the role of DPKO and planning partners and the construction of peacekeeping missions, with examples from the field studies.

Chapter 4: The Field: Peacekeeping, Protection of Civilians, and Humanitarian Actors reviews field missions to consider their approaches to the protection of civilians, with specific attention to the four UN peacekeeping missions in Côte d'Ivoire (UNOCI); Sudan (UNMIS); Darfur, Sudan (UNAMID); and the DRC (MONUC). Based on findings from the desk reviews and field research, this chapter draws general lessons from the four case studies that round out this volume.

Chapter 5: Findings and Recommendations brings together the analysis and findings from each substantive chapter into a thematic logic to provide a frame for the study's key recommendations. It offers detailed recommendations for UN Member States, UN Secretariat offices, humanitarian and human rights actors, and other stakeholders.

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CHAPTER

The UN Security Council and Protection of Civilians Mandate Language

2

> "In the view of my delegation, whatever interpretation others may give to this particular paragraph, we regard it as an insurance policy for both international peacekeepers and innocent civilians. We also believe that it sends a clear message to any potential violator of human rights on a gross scale: the international community will not turn a blind eye if and when innocent civilians are under threat of physical violence."[1]
>
> *—Representative of Sierra Leone, UN Security Council discussion regarding a peacekeeping mission mandate to protect civilians, 22 October 1999*

Introduction

Under the UN Charter, the Security Council has primary responsibility for maintenance of international peace and security, including by means of the establishment of peacekeeping operations. The language adopted by the Council for peacekeeping mandates defines the mission objectives, gives the basis for designing and deploying the mission, and guides the work of its leaders and personnel in the field.

The protection of civilians (POC) has been a recurring theme in the mandates provided by the Security Council to UN peacekeeping missions, appearing in various forms to support the security of civilians directly and indirectly. Mandate language can include explicit direction for peacekeepers 'to protect civilians under imminent threat of physical violence';

[1] United Nations Security Council meeting on *the Situation in Sierra Leone,* S/PV.4054 of 22 October 1999. Statement given during the consideration of a revised mandate for the UN Mission in Sierra Leone (UNAMSIL), with specific reference to the following language: *'Acting* under Chapter VII of the Charter of the United Nations, *decides* that in the discharge of its mandate UNAMSIL may take the necessary action to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone and ECOMOG," S/1999/1069 (draft resolution), basis for adopted resolution S/1999/1069, para. 14.

it can also support the provision of a 'safe and secure environment'. In addition, the Council has called for the respect of human rights and the promotion of adherence to international humanitarian law (IHL), refugee law, and humanitarian principles, with specific mandates for peacekeeping missions to support the delivery of humanitarian assistance, protection of UN personnel, safe returns of refugees and internally displaced persons (IDPs), the prevention of sexual and gender-based violence, and the protection of women and children. In some contexts, the Council has even directed peacekeeping missions to undertake specific tasks, such as cordon-and-search operations, patrolling, and the establishment of safe areas.[2]

This chapter examines the Council's approach to protection of civilians in UN peacekeeping missions. To understand the issue, this study looks at how POC has been treated by the UN Security Council generally and as one aspect or the basis of peacekeeping operations. As discussed in the Chapter 1, the focus is on mandate language, especially the protection of civilians 'under imminent threat of physical violence' and how POC issues are treated strategically within the context of each mission.

Part I of this chapter begins by looking at protection language in the broad sense within Security Council mission mandates. Special attention is given to the debate around adoption of the peacekeeping mandate for Sierra Leone in October 1999, the first direct use of the protection of civilians 'under imminent threat of physical violence' language by the Security Council, and how that mandate language has since been commonly included in peacekeeping mandates. It also considers trends in other protection language within Security Council mandates.

Part II of this chapter reviews Council consideration of the protection of civilians thematically, starting with mechanisms such as reports from the Secretary-General that draw the Council's attention to protection concerns as well as the Council's support of thematic POC mandates and resolutions. These mechanisms are less directly related to specific peacekeeping operations but have implications for them. Part II notes the links between protection as both a 'physical' and 'legal' concept in UN Secretary-General reports, statements by the President of the Security Council, thematic resolutions, and other Council documents.

[2] See, for instance, UNSC resolution 1592 (2005), operative paragraph 7: '*encourages* [the United Nations Organization Mission in the Democratic Republic of the Congo, MONUC] in this regard to continue to make full use of its mandate under resolution 1565 in the eastern part of the Democratic Republic of the Congo, and *stresses* that, in accordance with its mandate, MONUC may use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in those areas.' See also UNSC resolution 836 (1993), operative paragraphs 4–10 regarding the establishment and defense of safe areas by the United Nations Protection Force (UNPROFOR).

Part III considers both peacekeeping and humanitarian concepts on protection of civilians, such as those established in the *Brahimi Report*'s review of UN peacekeeping issues and within humanitarian strategies, such as those laid out by the Inter-Agency Standing Committee (IASC) and the 'egg model.' This section includes a brief overview of the protection of civilians as an operational humanitarian concept and links it to the interaction between humanitarian/human rights work and UN peacekeeping missions.

Part IV offers findings and summarizes key issues.[3]

I. The Council's view of the protection of civilians in peacekeeping operations: origins and overview

Security Council mandates traditionally establish peacekeeping operations with the aim of enhancing the security of civilians and providing direction for missions to support human rights, the maintenance of public safety and order, and a secure and stable environment. Such mandates implicitly promote the protection of civilians and are sometimes tied to specific actions to provide physical protection, as reflected in the direction to 'deter attacks against the safe areas' by the United Nations Protection Force, UNPROFOR.[4]

Following the numerous crises and interventions of the 1990s, Council mandates shifted to support 'stronger' protection measures through affirmation of IHL and human rights law and a more explicit emphasis on the physical protection of civilians. This shift came on the heels of conflicts that directly challenged both UN peacekeeping operations and humanitarian efforts, testing their fundamental principles and capabilities. When peace agreements collapsed, conflict resumed, and the consent of the parties to the presence of a mission disappeared—as seen in the Balkans, Rwanda, Sierra Leone, and Somalia—peacekeepers were ill-prepared and failed to protect civilians from slaughter, including mass atrocities and genocide.

Humanitarian operations were also deeply tested when combatants violated the basic rules of IHL, blocked humanitarian operations, targeted

[3] Chapter 3 explores the Council's relationships with the Secretariat and Member States in anticipating, planning, and managing operations that involve the protection of civilians.

[4] See, for example, S/RES/836 (para. 5) on UNPROFOR in Bosnia and Herzegovina. For a broader view of Council mandates, see *The Use of Force in UN Peace Operations* (Findlay, 2002); *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Holt and Berkman, 2006); and *Cross-Cutting Report No. 2: Protection of Civilians* (Security Council Report, 2008).

humanitarian staff, and undermined the security of civilians. In the midst of conflicts in which host states were failing to uphold their responsibility and civilians were directly targeted by belligerents, the threat of physical violence sometimes outweighed the need for food, water, sanitation, and shelter. Further, the way assistance was being provided could in itself exacerbate the threat to civilians.[5] As a result, humanitarian actors began to question whether and how they should deliver assistance. Many have now adopted mainstream protection programmes, sometimes referred to as 'Do No Harm' or 'safe programming', which seek to deliver assistance in a way that minimizes threats to civilians.[6] Others have developed standalone protection programmes that aim to prevent or respond to threats to civilians posed by other actors.[7] In addition to reviewing their own response, humanitarian actors also considered how security could be improved and many looked to peacekeeping missions to provide physical protection and security to civilians.[8]

This section reviews the transition to more explicit, directed language regarding the protection of civilians, starting with the origins and evolution of the Council's use of language directing peacekeepers to protect civilians from imminent threat of physical violence.

The Sierra Leone mission and the origins of the 'imminent threat' language

The Security Council originally used the phrase 'to afford protection to civilians under imminent threat of physical violence' in October 1999 in resolution 1270, which established the UN Mission in Sierra Leone (UNAMSIL). During the Council debate prior to its adoption, delegates spoke directly about the protection of civilians.[9]

Council members discussed the implications of this new formulation instructing the mission to 'protect civilians', which was described as a direct signal that the UN peacekeeping operation should take action if large-

[5] For a discussion of this issue, see *Protective Action: Incorporating Civilian Protection into Humanitarian Response* (O'Callaghan and Pantuliano, 2007, p. 4).

[6] Ibid. (O'Callaghan and Pantuliano, 2007, p. 6)

[7] Op cit. (O'Callaghan and Pantuliano, 2007, p. 5, 8).

[8] The problem of the 'well-fed dead' conundrum was identified in the Balkans war. See 'Exodus within Borders: The Uprooted Who Never Left Home' (Cohen and Deng, 1998, p. 15).

[9] *Eighth report of the Secretary-General on the United Nations Observer Mission in Sierra Leone*, S/1999/1003 of 28 September 1999. For a transcript of Council members' remarks prior to the adoption of the resolution, see Security Council Meeting S/PV.4054 of 22 October 1999.

scale violence threatened the civilian population, including through the robust use of force. This aspect of the mission's mandate was considered from multiple perspectives—including the mission's ability to operate effectively, its rules of engagement, its relationship with the host state, and the precedent it would set for future missions.

Before adopting the resolution creating the mandate, the Council reflected on the recent, brutal violence in Sierra Leone. The Council considered the humanitarian situation and the vulnerabilities of the population in Sierra Leone, having just been briefed by Special Representative for Children and Armed Conflict Olara Otunnu. Members expressed concerns about the hostage-taking of both the Economic Community of West African States Monitoring Group (ECOMOG) and UN forces in August 1999, as well as the new mission's ability to operate given the rising instability in the country, seen as a 'hazardous environment' for the UN operation. Council members were also blunt in discussing the failures of peacekeeping missions that had lacked robust capacities and a Chapter VII mandate.

Robustness. As a member of the Council, Canada pressed to authorize peacekeepers to prevent the type of violence that had engulfed Rwanda in 1994.[10] Its advocacy was grounded in its own experiences following the genocide in Rwanda; a desire to 'stop the physical violence against civilians', and to support the halting of gross and systematic violations of human rights and humanitarian law.[11] A clearer UN mandate, Canada argued, would help establish credibility for the Council and its missions.[12]

Council members Netherlands and Malaysia also supported a robust mission to protect civilians. Malaysia saw the importance of establishing UNAMSIL under Chapter VII, consistent with the 'robust rules of engagement' that the Secretary-General proposed, especially after the hostage-taking incident. Citing 'intensive discussions', Malaysia said that 'the success of UNAMSIL may well have a bearing on future peacekeeping missions that the United Nations is planning in respect of other conflict areas in Africa', and thus, 'it is important for UNAMSIL to be given the tools to ensure that it has a fair chance of carrying out its mission successfully'.[13] The Ambassador of the Netherlands, describing the situation in

[10] An internal government memo of the Permanent Five Members of the Security Council (P5) says the Canadian Minister of Foreign Affairs pushed hard 'to place UNAMSIL under Chapter VII and to mandate it to protect civilians, saying that he would not allow another Rwanda "on his watch"'.

[11] Author interview with a government official, 8 May 2009.

[12] This debate followed the UN failure of action in Kosovo, among others, and questions about the UN's credibility.

[13] Security Council Meeting S/PV.4054 of 22 October 1999 (p. 11, para. 1).

Sierra Leone as 'volatile', agreed with the Secretary-General and the representative of Sierra Leone 'that robust rules of engagement are indeed essential if UNAMSIL is to fulfil its mandate and protect itself and civilians under threat'.[14]

Prior to the debate, the United States and the United Kingdom argued that the rules of engagement were already sufficient to take more robust action. They suggested that without sufficient resources, UNAMSIL would not be in a position to take effective action and certainly could not be a 'peace enforcement' mission.[15] Further, the UK tried to mediate expectations of the mission to protect civilians, reminding all that the government was still responsible for the security of civilians. During the debate, the British Ambassador stated that:

> UNAMSIL must also be able to protect the security and free movement of its personnel in the discharge of its mandate. It should be prepared to act to defend civilians when and where it is able to do so. But ultimately ECOMOG and the Government of Sierra Leone have responsibility for security under the Peace Agreement.[16]

Atrocities. Council members from Botswana and Brazil highlighted the statement of Special Representative Otunnu. Brazil expressed his delegation's shock at Otunnu's figures on the violence and displacement facing children in Sierra Leone and referred to 'diabolical atrocities,' stating that:

> [It] is sad testimony to the levels of irrationality and violence human nature sometimes reaches [. . .]. We think that the core of his message is quite simple: The international community has to pay persistent and consistent attention to the plight of children in all parts of the world, without exception or discrimination.[17]

Botswana was equally disturbed:

> [E]ven though the majority of Member States of the United Nations are party to the international instruments on humanitarian and human rights law, such instruments continue to be violated with impunity. My delegation finds merit in the recommendation by the Secretary-General that where war crimes and crimes against humanity have been committed, the Security Council should act without fear or favour.[18]

[14] Ibid. (p. 13, para. 14).
[15] Internal P5 government memo.
[16] Security Council Meeting S/PV.4054 of 22 October 1999 (p. 9, para. 3).
[17] Ibid. (p. 15, para. 2).
[18] Security Council Meeting S/PV.4046 (p. 2, para. 10).

Credibility, limits, and ambition. The representative of Argentina asserted that the protection language was core to the mission on multiple levels. First, he argued that the Council was authorizing UNAMSIL under Chapter VII towards 'two well-defined objectives: to ensure the security and freedom of movement of its personnel and to afford protection to civilians under imminent threat of physical violence'. He described the safety and security of personnel in the field as 'an essential condition of all peacekeeping missions'. Argentina further argued that UNAMSIL was in 'a hazardous environment' and deserved Chapter VII authority.

But Argentina also raised the context of the protection of civilians ambition. The 'objective limit' for the protection of civilians was within the capabilities of a robust, Chapter VII UN-led mission, a recognized rightful role of peacekeeping. The Council should also be forward-looking, with these Council actions leading to future directions for peacekeeping operations to protect civilians:

> "We believe that the protection of civilians under Chapter VII is a **pertinent development** in the context of the mandate of a peacekeeping operation. This draft resolution is significant in that it introduces **a new, fundamental political, legal and moral dimension.** This bears on the **credibility of the Security Council** and shows that the Council has learned from its own experience and that it will **not remain indifferent to indiscriminate attacks against the civilian population**. **At the same time, we are realistic**. The objective to be fulfilled must be consonant with the means provided. For that reason, we agree with the limits that operative paragraph 14 of the draft resolution sets on UNAMSIL's actions. It establishes an **objective limit**, the competence the Council wishes to give UNAMSIL, a **geographic limit** – UNAMSIL's area of deployment – and a **functional limit** – it does not overlap the specific security responsibilities entrusted to ECOMOG pursuant to the mandate adopted by ECOWAS on 25 August 1999. [. . .] **UNAMSIL is the first in a series of large-scale peacekeeping operations** that the Security Council will be creating in coming weeks. There is undoubtedly a need for a relaunching of peacekeeping operations. At the same time, if they are to fulfil their mandates properly, the United Nations must provide the necessary resources."[19] [*emphasis added*]

Final language: protection with clear caveats. The final language reflected a compromise with key caveats added to define and limit the scope of the mission's mandate to protect civilians:

[19] Security Council Meeting S/PV.4054 of 22 October 1999 (p. 16, para. 4, emphasis added).

> *Acting* under Chapter VII [. . .] UNAMSIL may take the necessary action to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone and ECOMOG.[20]

These multiple caveats established the expectations for the UN operation. First, authorized under Chapter VII with authority to 'take necessary action', the mission was pushed towards more robust action; it came close to the 'all necessary means' language that had hitherto been reserved for peace enforcement measures.[21] But the caveats provided useful limits to distinguish it from a peace enforcement mission. The mission was to protect civilians under 'imminent threat of physical violence'. This phrase was intended to make clear that peacekeepers were not being sent to wage war to make the country more secure for civilians, but to use force to protect civilians who were on the brink of being harmed.[22] Second, the caveats to protect civilians 'within capabilities and areas of deployment' were intended to:

> avoid creating unrealistic expectations both internationally and in Sierra Leone of the extent of the protection UNAMSIL could give, and to avoid mandating the force beyond what it could realistically do.[23]

Third, the Council's language made clear that protection was to take into account 'the responsibilities of the Government of Sierra Leone', rather than to suggest it could 'neglect its duties towards its own population'.[24]

Ambassador Robert Fowler of Canada thanked Council members for supporting the resolution, casting it as a successful framework for addressing threats to civilians:[25]

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[20] S/RES/1270 of 22 October 1999, para. 14.

[21] *Peace enforcement* refers to peacekeeping operations that 'aim to induce one or more parties to adhere to a peace arrangement or agreement previously consented to by using means which include the use or threat of military force' *The Use of Force in UN Peace Operations* (Findlay, 2002). See also, peacekeeping typologies in 'Restoring and Maintaining Peace: What We Know So Far' (Durch and Berkman, 2006, Table 1.1).

[22] France stated: 'This is why we have always been in favour of the recommendations of the Secretary-General calling for the creation of the United Nations Mission in Sierra Leone (UNAMSIL), with significant levels of military personnel and robust rules of engagement so that it can defend itself and within its mandate—as was rightly the wish of the representative of Canada, a wish shared by all the members of the Council—be able to guarantee the protection of threatened civilian populations', S/PV.4054 of 22 October1999 (p. 12, para. 4).

[23] Internal memo from a P5 member.

[24] Internal memo from a P5 member.

[25] The Gambia, France, and Malaysia singled out Canada's role and the UK's negotiations skills. S/PV.4054, 22 October 1999 (p. 12, para. 9).

> Canada is pleased that UNAMSIL's mandate includes provisions for the protection of civilians and of United Nations and associated personnel under Chapter VII of the Charter [. . .]. United Nations peacekeepers now have the authority to act decisively and forcefully in the face of threats to civilians. This should have an important deterrent effect. A strong and robust United Nations presence will give those who would threaten defenceless civilians, including tiny children, still greater cause to consider the consequences of their actions.[26]

At the same time, the Council included other aspects of protection in the peacekeeping mandate. In resolution 1270, the Council 'underlined' the importance of having UNAMSIL staff being trained in IHL, human rights and refugee law; emphasized the special needs of children; and urged all parties to protect refugees and IDPs.

Host nation support. Sierra Leone's representative, Ambassador Ibrahim Kamara, spoke before the Council adoption of the mandate, describing the 'protect civilians' language as an improvement on past UN missions and as an 'insurance policy' for Sierra Leonians:[27]

> Of course, we are aware of and appreciate the role that the United Nations Observer Mission in Sierra Leone (UNOMSIL) has played in the peace process. However, we must admit that it was not equipped to deal with certain situations before and after the Lomé Peace Agreement signed by the Government of Sierra Leone and the Revolutionary United Front (RUF). This is why the Sierra Leone delegation could not help but highlight paragraph 14 of the draft resolution, which says that acting under Chapter VII of the Charter, the new United Nations Mission in Sierra Leone, in discharge of its mandate, may take the necessary measures to ensure the safety and freedom of movement of United Nations personnel and, circumstances permitting, to afford protection to civilians under imminent threat of physical violence. In the view of my delegation, whatever interpretation others may give to this particular paragraph, we regard it as an insurance policy for both international peacekeepers and innocent civilians. We also believe that it sends a clear message to any potential violator of human rights on a gross scale: the international community will not turn a blind eye if and when innocent civilians are under threat of physical violence.[28]

[26] S/PV.4054 of 22 October 1999.

[27] It is noteworthy that many in the UN Operation in Côte d'Ivoire (UNOCI) also see the 'protect civilians' mandate as an insurance policy if violence arises today—and that it would trigger support from the French Licorne forces, or the UN Mission in Liberia (UNMIL).

[28] S/PV.4054 of 22 October 1999 (p. 5, para. 13).

Early clarity on protection of civilians aims. The Council was strikingly clear in its approach to the protection of civilians in this initial mandate for Sierra Leone. The Council wanted the peacekeepers to be authorized to use force as part of their effort to protect civilians under threat of physical violence, but did not designate the mission as either peace enforcement or a substitute for the government. The caveats were useful in constructing the kind of mission that could determine where it could take effective action to protect civilians within its capacities and areas of deployment to complement the role of the host state. The primary motivation was to prevent the kinds of atrocities witnessed in Rwanda, Sierra Leone, and elsewhere during a UN deployment. The government of Sierra Leone welcomed this approach, seeing the UN role as an 'insurance policy' to support it.

Interviews reflect a common understanding of initial Council expectations: that the protection of civilians necessitates peacekeepers to prevent and halt clear and explicit acts of extreme violence. One Council member suggested that the real impact of the mandate, however, was 'more political than either legal or operational'.[29] Another official proposed that the aim was 'establishing aspirational language' for the mission, a first step.[30]

With the UNAMSIL mandate clearly stating its responsibility to protect civilians, the next question is whether that view was similarly understood by the Secretariat, Member States, and the field operation—a question that remains open to this day.

Protection language in peacekeeping operation mandates since 1999

This Sierra Leone mission followed a period of caution for peacekeeping, after crises in the earlier 1990s had left civilians unprotected from horrific violence. Key reports on violence in Bosnia, Cambodia, Kosovo, Rwanda, and Somalia found peacekeeping missions unable to protect the very populations they were deployed to assist.[31] Prior to 1999, the Council's mandates for those missions had offered implicit, but not explicit, direction about the role of operations in protecting civilians from violence, even as they deployed to support efforts to promote peace and security.[32]

[29] Internal memo from a P5 member.

[30] Author interview with a government official, 8 May 2009.

[31] See, for example, *Rwanda: The Preventable Genocide* (IPEP, 2000); *Report of the Secretary-General Pursuant to General Assembly resolution 53/35: The fall of Srebrenica*. A/54/549 of 15 November 1999. *Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda*. S/1999/1257 of 16 December 1999.

[32] For a chart of past mandates for peacekeeping operations, see *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Holt and Berkman, 2006).

The debate over the Sierra Leone mandate emerged alongside new reflection on past crises and challenging reports on the failures of the United Nations to protect civilians in Rwanda and Srebrenica.[33] The hard-hitting UN study on Srebrenica, published just one month after the UNAMSIL mandate was adopted, bluntly called for more effective and decisive defence of civilians and response to humanitarian tragedies:

> The cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion. In the Balkans, in this decade, this lesson has had to be learned not once, but twice. In both instances, in Bosnia and Kosovo, the international community tried to reach a negotiated settlement with an unscrupulous and murderous regime. In both instances it required the use of force to bring a halt to the planned and systematic killing and expulsion of civilians.[34]

Then UN Secretary-General Kofi Annan, in his *Millennium Report* of March 2000, also challenged Member States, urging that they 'forge unity' on identifying the basis for humanitarian intervention and how 'we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity'.[35]

These reports were part of a greater effort to integrate legal and physical protection of civilians into the practice of UN peacekeeping in the field. The motivation was clear—civilians were still at great risk. Even with the new mandate, however, UNAMSIL soon faced another crisis as it sought to deal with violence against civilians and its own personnel (who were taken captive in the spring of 2000).

Trends for missions: Chapter VII and imminent threat characteristics. Since Sierra Leone, most UN missions have had a similar kind of mandate, primarily under Chapter VII authority.[36] By mid-2009, the Council had authorized ten UN-led peacekeeping operations directing that the mission 'protect civilians under imminent threat of physical violence' or a

[33] *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica,* A/54/549 of 15 November 1999.

[34] Ibid. (para. 499).

[35] *"We the Peoples": The Role of the United Nations in the 21st Century*, Millennium Report of the Secretary-General, A/54/2000 of 27 March 2000, p. 48. The UN also did some soul-searching after the Council did not authorize the peace enforcement mission in Kosovo led by NATO.

[36] See Chapter 4 for a discussion of the implications of this language in specific cases.

close variation thereof.[37] The Council authorized another six missions led by regional organizations or lead nations with similar direction to protect civilians.[38] Most of these mandates also referenced protection of UN personnel, the facilitation of the delivery of humanitarian assistance, and support to the return and resettlement of IDPs and refugees. More recent operations have included specific language referencing vulnerable groups and the prevention of sexual and gender-based violence, mirroring Council 'thematic' resolutions on these issues (see below).[39]

The core language has remained consistent: 'protect civilians under imminent threat of physical violence'. This language is accompanied by caveats directing the mission to protect 'within the capabilities' and the 'areas of deployment' of the mission (phrases that have not been defined by the Council). An example from the mandate of the UN Mission in Sudan (UNMIS), as provided by resolution 1590 (2005), reflects the standard components of a Chapter VII mandate to protect civilians:

> *Acting* under Chapter VII of the Charter of the United Nations,
>
> (i) Decides that UNMIS is authorized to **take the necessary action**, **in the areas of deployment** of its forces and as it deems **within its capabilities**, [. . .] and, **without prejudice to the responsibility of the Government** of Sudan, **to protect civilians under imminent threat of physical violence**.[40]

Frequently, the configuration includes 'without prejudice to the responsibility' of the host state, which recognizes that the state, not the UN mission, has primary responsibility for the welfare and protection of its population. Indeed, this approach reflects the basis of UN peacekeeping and where it can founder if host governments fail to provide security or prevent violence against their populations, or if they themselves perpetrate violence. Finally, the Council usually includes authorization to 'take the necessary action' or to use 'all necessary means' in conducting the mission—instructions that often accompany Chapter VII authority (see Table 1).

[37] The ten missions comprise those in Sierra Leone (UNAMSIL), the Democratic Republic of the Congo (MONUC), Liberia (UNMIL), Côte d'Ivoire (UNOCI), Burundi (ONUB), Haiti (MINUSTAH), Sudan (UNMIS), Darfur, Sudan (UNAMID), Chad and Central African Republic (MINURCAT), and Lebanon (UNIFIL). Only eight were still operating by June 2009.

[38] The six missions were led by: the Interim Emergency Multinational Force in Bunia, Operation Artemis, in the Democratic Republic of the Congo (DRC); Operation Licorne in Côte d'Ivoire; ECOWAS in Côte d'Ivoire (ECOMICI); the African Union in Darfur, Sudan (AMIS); Eufor R.D.Congo in DRC; and the 2007 European Union operation in Chad (EUFOR).

[39] For more details on the specific language included in mandates related to the four case studies cited in this report, see 'Annex 1: Selected Mission Mandates and Language Related to the Protection of Civilians'.

[40] Resolution 1590 of 24 March 2005, para 16(i).

Table 1 Characteristics of mandates for UN-led peacekeeping missions since 1999[41]

Mission	Country	Dates	'Protect civilians under imminent threat of physical violence'	'Without prejudice to responsibility' of host nation	'Within capabilities and areas of deployment'	'All necessary means'[42]
UNIFIL[43]	Lebanon	19 Mar. 1978– present	✓		✓	✓
UNAMSIL[44]	Sierra Leone	22 Oct. 1999–31 Dec. 2005	✓	✓	✓	
MONUC[45]	DRC	30 Nov. 1999–present	✓		✓	✓
UNMIL[46]	Liberia	19 Sept. 2003–present	✓	✓	✓ (partial)	
UNOCI	Côte d'Ivoire	4 Apr. 2004–present	✓	✓	✓	✓
MINUSTAH	Haiti	30 Apr. 2004–present	✓	✓	✓	
ONUB	Burundi	21 May 2004–1 Jan. 2007	✓	✓	✓	✓
UNMIS	Sudan	24 Mar. 2005–present	✓	✓	✓	✓
UNAMID	Sudan	31 Jul. 2007–present	✓	✓	✓	
MINURCAT[47]	Chad and Central African Republic	25 Sept. 2007–present	✓		✓	✓
Percentage of mandates with component			**100%**	**70%**	**100%**	**60%**

[41] As of June 2009, nine new UN-led peacekeeping operations had been authorized since UNAMSIL (1999) with 'protect civilians under imminent threat' language in their mandates.
[42] Includes the language: 'All necessary measures.'
[43] Protection of civilians language was added to the mandate on 11 August 2006, but not authorized under Chapter VII.
[44] The mandate does not include 'all necessary means', but rather 'take necessary action'. Also included is 'to afford protection of civilians'.
[45] Protection of civilians protection language was added to the mandate on 24 February 2000.
[46] Mandate language does not include "within its areas of deployment."
[47] Protection of civilians language was added to the mandate on 14 January 2009.

A few variations are noteworthy in this protection of civilians 'under imminent threat' approach, such as whether the entire mandate or only the POC language is authorized under Chapter VII authority. This interpretation informs the degree of robustness with which the mission should operate to protect civilians. UN personnel in both UNMIS and the UN Operation in Côte d'Ivoire (UNOCI), for example, argued that the mission was primarily a Chapter VI mission, with a 'carve out' for its Chapter VII authority. For the African Union/United Nations Hybrid operation in Darfur (UNAMID), personnel in the field questioned how much authority the mandate provided, suggesting that it was 'split' with some sections authorized (implicitly) under Chapter VI and others—including the POC language—authorized under Chapter VII. Some mission personnel argued that the protection of civilians could only be a defensive approach; some questioned whether it was an over-arching aim of the mission.[48]

Another approach is reflected in UNAMID, which operates under a Chapter VII mandate giving direction to 'protect civilians' in general, without the inclusion of 'imminent threat from physical violence.'[49] The Council has also placed emphasis, at times, on specific means of providing physical protection by designating what peacekeepers should do, such as 'cordon and search' (MONUC),[50] and by designating physical locations as a focus for particular tasks, such as 'monitor[ing] through proactive patrolling the parties' policing activities in camps for internally displaced persons, demilitarized and buffer zones and areas of control' (UNAMID).[51] The December 2008 MONUC mandate, resolution 1856, however, goes well beyond any earlier UN peacekeeping mandate in explicitly identifying the protection of civilians as the mission's top priority, including with regard to its allocation of resources:

> *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use

[48] These points are discussed in the case studies at the end of this volume. There is a dispute about the importance of the Chapter VI versus Chapter VII distinction, with some arguing that Chapter VI provides sufficient room for missions to defend their mandates and missions, as was seen in the Congo during the 1960s. Others associate Chapter VII with an expectation that the mission will be more forward-looking and robust in its political and military willingness to stand up to those who challenge the peace, if needed. See, for example, *The Use of Force in UN Peace Operations* (Findlay, 2002).

[49] S/RES/1769 of 31 July 2007, para. 15.

[50] S/RES/1592 of 30 March 2005, para. 7.

[51] See the *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur,* S/2007/307/Rev.1. of 5 June 2007, para. 55(b)(viii), which was established as UNAMID's mandate in resolution 1769 of 31 July 2007, para. 1.

> of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4.[52]

In broad terms, the standardization of this language for protection from 'imminent threat' is notably consistent. The continued use of this approach in peacekeeping missions implies a serious intent by the Council to emphasize the protection of civilians in mandates, even as small shifts in language begin to suggest the Council's intention to further strengthen their direction to missions to protect.

Yet this is not the only trend in mandate language regarding the protection of civilians. Even with its increased emphasis on the protection of civilians from imminent threat, the Council has been urged to address ways of protecting specific subsets of the civilian population, including at-risk groups, from specific types of abuse, such as sexual and gender-based violence (see Part II).

The Council's understanding of POC in MONUC, UNOCI, UNMIS, and UNAMID

Since first providing UNAMSIL with a 'protection of civilians' mandate in 1999, Council deliberations have addressed the protection of civilians as either a main goal of a mission or as one of its objectives. The Sierra Leone case was not unique: deliberations for an expanded mission in the DRC around the same time reflected similar awareness of the need to protect civilians. This section provides a cross-section of Council intent across the four missions that the research team visited. By examining Council deliberations at specific points in the evolution of POC-mandated missions, this section aims to shed light on the Council's intent and understanding of the role of peacekeepers in protecting civilians.

MONUC. Security Council deliberations leading to resolution 1291 (24 February 2000) generally demonstrated the hesitancy of several states

[52] S/RES/1856 of 22 December 2008, para. 6. Paragraph 3 emphasizes the following protection activities in subparagraphs (a) to (e): '(a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict; (b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons; (c) Ensure the protection of United Nations personnel, facilities, installations and equipment; (d) Ensure the security and freedom of movement of United Nations and associated personnel; (e) Carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance.' During author interviews with MONUC personnel, staff expressed concern that with the implementation of the protection of civilians as a top priority, they had been given dozens of new tasks without new resources.

(including Canada, the Netherlands, the United Kingdom, and the United States) to authorize the expansion of MONUC.[53] During deliberations in December 1999, the United States explained its hesitancy as due to the complexity of the conflict and inadequate planning:

> the command and control situation on the ground, the mandate, the size, the costs, the backup all need to be known. We should not vote a resolution until we know what we are voting for.[54]

Interestingly, the Netherlands cited Srebrenica as an example of peacekeepers being deployed as a substitute for political consensus and cautioned against deploying a mission that was not well thought out. In contrast, the Gambia referenced the recent horrors of Rwanda as a reason for the Security Council members to authorize the mission in DRC without delay.

During Council deliberations immediately prior to the adoption of resolution 1291, Namibia and Argentina expressly stated a need for MONUC to protect civilians under imminent threat. While much of the discussion reflected concerns regarding the dangerous security environment, excessive expectations for MONUC, and inadequate resources, the President of the Security Council (Argentina) understood the proposed mandate as '[empowering] MONUC, within specific circumstances, to act under Chapter VII of the Charter to protect civilians under imminent threat of physical violence.'[55] As was the case in Sierra Leone, the Security Council originally included POC language in the MONUC mandate not to serve as the primary focus of the mandate, but to authorize action should imminent mass atrocities threaten the population. This view would change over the course of the decade as MONUC continued to face expectations and challenges related to the protection of civilians.

Following the DRC crisis in Bunia in May 2003, Security Council deliberations on MONUC leading to the adoption of resolution 1493 (28 July 2003) reflected remarkable consensus calling for a more robust mandate under Chapter VII in order to protect civilians in Ituri. The emphasis on a more robust mandate as critical to enabling the mission to take stronger action is interesting, considering that MONUC already had Chapter VII

[53] The proposed expansion included increasing the number of military and civilian personnel as well as augmenting the objectives and tasks of the mission. See the case study on MONUC for more details.

[54] Security Council Meeting S/PV.4083 of 16 December 1999 (page 5, para. 5).

[55] Security Council Meeting S/PV.4104 of 24 February 2000 (page 13, para, 11).

authorization to protect civilians under imminent threat.[56] It is also noteworthy that while Italy expressed its support for a more robust mission, it warned against the excessive use of Chapter VII mandates and robust operations:

> [W]e believe that it is necessary to exercise caution. A strong enforcement mandate for activities such as providing security under Chapter VII of the United Nations Charter will, under circumstances in which certain parties are not participating in the ceasefire agreement or peace accord, risk changing the current practices of peacekeeping operations and plunging the troops into very complicated situations, in which they may be required to engage in combat as if they were parties to the conflict. Therefore, we should not easily confer such robust powers on other peacekeeping operations.[57]

In December 2008, Council deliberations on MONUC leading to the adoption of resolution 1856 emphasized the general consensus that the protection of civilians should be a high, or the highest, priority of the mission.[58] This mandate explicitly placed protection of civilians at the core of the mission. Belgium, France, and South Africa agreed that more robust rules of engagement were necessary. Belgium also explained an awareness of MONUC's limitations while recognizing the need for action:

> The capacity of MONUC is limited. It cannot be ubiquitous and act everywhere simultaneously; but where it is present, where it can be deployed in time and where civilian lives are endangered, it must act.[59]

It is of note that sexual and gender-based violence was mentioned throughout the deliberations as a key protection concern. The United Kingdom explained that:

> [s]ystematic rape seems to be used by groups, like the Forces Démocratiques de la Libération du Rwanda (FDLR), as a weapon to subjugate and divide local communities. We look to MONUC to do more to bring an end to that horrific practice and to do more to protect women as they go about their daily business.[60]

[56] S/RES/1291 of 24 February 2000, para. 8. See the MONUC case study for more details regarding the factors that contributed to the Ituri crisis.
[57] Security Council Meeting S/PV.4790 of 18 July 2003 (page 34, para. 4).
[58] Security Council Meeting S/PV.6055 of 22 December 2008.
[59] Security Council Meeting S/PV.6024 of 26 November 2008 (page 5, para. 6).
[60] Security Council Meeting S/PV.6055 of 22 December 2008.

UNMIS. Council deliberations leading to the adoption of resolution 1590 (2005) and establishment of UNMIS made no mention of the protection of civilians, and instead were dominated by the intense international focus on the situation in Darfur. Similarly, there was no mention of the protection of civilians mandate language that the Council authorized under Chapter VII and inserted at the end of a mandate otherwise authorized under Chapter VI (a so-called 'split mandate'). Nevertheless, the protection of civilians would play an increasingly conspicuous role in Council statements and deliberations on UNMIS.

Following the clashes in Abyei, Sudan, in May 2008, the President of the Security Council issued a statement on 24 June, calling on

> UNMIS, within its mandate and in accordance with Security Council resolution 1812, to robustly deploy, as appropriate, peacekeeping personnel in and around Abyei to help reduce tensions and prevent escalation of conflict in support of implementation of the CPA.[61]

Similarly, during Security Council deliberations that same day, the United Kingdom suggested a more active role for UNMIS forces in preventing escalations such as occurred in Abyei.[62]

In April 2009, Security Council resolution 1870 was adopted to extend UNMIS while addressing several POC issues; for example, it directed the mission to 'make full use of its current mandate' to act against the Lord's Resistance Army (LRA) as per resolution 1663 and encouraged the development of a comprehensive strategy on the protection of civilians. Member State statements immediately following the adoption of resolution 1870 acknowledged protection of civilians as an important issue; however, much of the meeting focused on support to the CPA and concern regarding the Government of Sudan's 4 March expulsion of non-governmental organizations following the International Criminal Court's indictment of Sudan's president.[63]

UNAMID. Council deliberations surrounding the adoption of resolution 1706 (2006) authorizing the expansion of UNMIS into Darfur with a partial Chapter VII mandate reflected two strong sentiments: a) the international

[61] S/PRST/2008/24 of 24 June 2008.
[62] Security Council Meeting S/PV.5922 of 24 June 2008 (page 10, para. 6).
[63] Security Council Meeting S/PV.6116 of 30 April 2009.

community's sense of responsibility to protect civilians; and b) the Government of Sudan's resistance to a peacekeeping mandate. On 31 August 2006, the day resolution 1706 was adopted, many Member States—including Argentina, Denmark, Ghana, Greece, Slovakia, Tanzania, the United Kingdom, and the United States—expressed a strong understanding of, and commitment to, the international community's responsibility to protect civilians. The Government of Sudan's refusal to consent to the expansion of UNMIS stalled the process of implementing resolution 1706, however, leading to the proposal of an AU–UN hybrid mission as an alternative.

Draft resolutions for a hybrid mission began to circulate in July 2006 but faced divisions within the Security Council as China, the Congo, Indonesia, Qatar, the Russian Federation, and South Africa raised concerns regarding several issues, including the authorization to use 'all necessary means' under Chapter VII.[64] Council deliberations on 31 July 2007 began with the unanimous adoption of resolution 1769, followed by remarks from members regarding the significance and objectives of the resolution. Establishment of UNAMID was applauded for the purposes of protecting civilians and supporting the implementation of the Darfur Peace Agreement; the conflict's impact on civilians in Darfur and their dire situation were the driving factors behind this resolution. The United States emphasized the robust nature of the mandate (and suggested scepticism regarding the GoS's willingness to cooperate in implementing resolution 1769):

> In adopting this resolution, the Council is entrusting UNAMID, its Force Commander and its personnel with carrying out its mandate using the full range of its authorities. UNAMID has the authority under Chapter VII to use force to prevent armed attacks, to protect civilians and to prevent any disruption of the implementation of the Darfur Peace Agreement.[65]

UNOCI. There is little public record of Council discussions surrounding the establishment of UNOCI or the intent and expectations behind its mandate, which suggests that closed meetings and off-the-record discussions served as the foundation for the initial UNOCI mandate. To date, available Security Council deliberations regarding the situation in Côte d'Ivoire make no mention of protection of civilians as a concept, strategy, or task to be undertaken by UNOCI.

[64] For a fuller discussion of the overall dynamics, see *Darfur/Sudan* (Security Council Report, 2007).
[65] Security Council Meeting S/PV.5727 of 31 July 2007 (page 6, para 9).

II. The Council: a decade of developing resolutions on protection

As the Council was grappling with ways to address threats to civilians and extreme violence against civilians with missions in Sierra Leone and the DRC, a series of efforts grew out of the humanitarian and human rights community to address the protection of civilians and draw the attention of the Council. This work, grounded in international humanitarian, human rights, and refugee law, was also a response to the challenges encountered during the 1990s, when humanitarian efforts collapsed in the face of insecurity and widespread threats to civilians.

Two major trends emerged. First, a series of reports and mechanisms was developed to bring violations of IHL and human rights abuses perpetrated against civilians in conflict to the Council's and Member States' attention. This helped focus more of the Council's attention to the issue, as evidenced in a number of resolutions and presidential statements. Second, this work had direct implications for UN peacekeeping operations and the protection of civilians, which included a wide range of protection strategies that went well beyond the physical protection of civilians from imminent threat.[66]

The normative protection framework: getting the Security Council's attention

Throughout 1999, the Council's attention was repeatedly drawn to the protection of civilians as a thematic issue, starting with a briefing in January by the then Under-Secretary-General for Humanitarian Affairs Sérgio Vieira de Mello, who emphasized the need to realize international laws and fundamental principles in practice.[67] This was followed in February by the Council's first open debates explicitly dedicated to the protection of civilians and the Council Presidential Statement of February 1999 (S/PRST/1999/6) on this topic.[68] In September, the Secretary-General's first report on the protection of civilians (S/1999/957)[69] was issued, and, days later, the Secu-

[66] For an overview of the Council's actions on POC since the late 1990s, see Tables 2 and 3 at the end of this chapter.

[67] *Cross-Cutting Report No. 2: Protection of Civilians* (Security Council Report, 2008).

[68] Ibid.

[69] The report established nine priorities for 'particular attention', including to support more effective peacekeeping missions. Recommendation 28 reads: 'Take steps to strengthen the Organization's capacity to plan and deploy rapidly. This includes enhancing the participation in the UN Stand-by Arrangements System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to quickly deploy a Mission headquarters.' S/1999/957 of 8 September 1999, para. 70.

rity Council adopted resolution 1265 on the protection of civilians in armed conflict.[70]

The language in the Presidential Statement and the Secretary-General's report is striking in its clarity and its enduring relevance. The statement called for 'a comprehensive and coordinated approach by Member States and international organizations and agencies' to protect civilians.[71] In summary, the report of the Secretary-General:[72]

- set out clearly the legal framework for protection of civilians in acknowledging that international humanitarian law and that certain legal norms in international human rights law, 'from which there can be no derogation'[73] (deviation or exemption), apply in armed conflict.
- recognized the challenge of distinguishing civilians from combatants in some contexts.
- recognized the specific problems faced by children and women.
- recognized the need to ensure humanitarian assistance.
- recognized, in recalling the Presidential Statement of February 1999, specifically the need to improve 'physical *and* legal' protection, listing recommendations for each.
- recognized the need to use political, diplomatic, *and* peacekeeping or enforcement measures towards the goal of physical protection.

Despite the Council's adoption of the Secretary-General's report, one official suggested that the Council 'didn't totally understand' the report's content, a view also held by others observers.[74]

Following the adoption of resolution 1265 in 1999, the UN Security Council created an informal Working Group on the Protection of Civilians.[75] In March 2000, Canada circulated a draft resolution to the group, with a paragraph on POC by peacekeeping operations; the draft became the basis for resolution 1296 on the protection of civilians in armed conflict, adopted in April 2000.[76] In resolution 1296, the Council:

[70] S/RES/1265 of 17 September 1999.
[71] S/PRST/1999/6 of 12 February 1999.
[72] The report includes 40 recommendations for the Security Council.
[73] Ibid. (para. 6).
[74] Author interviews, May 2009.
[75] The working group was acknowledged in preamble paragraph 3 of S/RES/1296 of 19 April 2000: '*Expressing* its appreciation to the informal Working Group established pursuant to resolution 1265 (1999) for its work'. It ceased to exist at some point after this resolution was adopted. Although the working group was discussed in interviews with officials, the authors were unable to identify the exact date of or the reason for its dissolution.
[76] Internal document, P5 member.

> *Affirms* its intention to ensure, where appropriate and feasible, that peacekeeping missions are given suitable mandates and adequate resources to protect civilians under imminent threat of physical danger, including by strengthening the ability of the United Nations to plan and rapidly deploy peacekeeping personnel, civilian police, civil administrators, and humanitarian personnel, utilizing the stand-by arrangements as appropriate;
>
> *Indicates* its willingness to consider the appropriateness and feasibility of temporary security zones and safe corridors for the protection of civilians and the delivery of assistance in situations characterized by the threat of genocide, crimes against humanity and war crimes against the civilian population;
>
> *Expresses* its intention, where appropriate, to call upon the parties to a conflict to make special arrangements to meet the protection and assistance requirements of women, children and other vulnerable groups, including through the promotion of 'days of immunization' and other opportunities for the safe and unhindered delivery of basic necessary services.[77]

Council interest in the protection of civilians as a broad theme continued during this period in the form of support for three initiatives aimed at moving the debate from 'abstract principles into more practical measures':[78] a 'roadmap' outlining the responsibilities of various UN bodies, the drafting of the first *Aide Mémoire,* and a call for better coordination between OCHA and DPKO.[79]

The Council adopted the first *Aide Mémoire* in October 2002.[80] As with later iterations, the document recognized the need for mandates to be context-specific; as such it did not offer a 'blueprint for action' but rather a list of issues for consideration by the Council that 'pertain to the protection of civilians during the Security Council's deliberation of peacekeeping mandates'. These appeared under ten headings and included access to vulnerable populations and security of humanitarian workers; attention to the needs of women and children; disarmament, demobilization, and reintegration (DDR); and mine action.

Following the 2002 *Aide Mémoire,* a number of thematic resolutions and presidential statements as well as periodic Secretary-General reports to

[77] S/RES/1296 of 19 April 2000, para. 13, 15, 10..

[78] *Cross-Cutting Report No. 2: Protection of Civilians* (Security Council Report, 2008).

[79] Ibid.

[80] S/PRST/2002/6 of 15 March 2002.

the Security Council were adopted.[81] However, one organization analysing the Council's actions asserts that following 2003, Council members were less willing to address the protection of civilians as a broad theme:

> Various efforts by some member states, such as Norway's proposed support group, made no progress. Members also seemed increasingly to confine discussions to more general statements on a wide number of topics of concern, but without prioritisation or a clear indication of concrete steps forward and preferred instead to address it through specific mandates.[82]

Nevertheless, the Council focused on the issue in 2005 following the negative coverage of the situations in the DRC, Iraq, Somalia, Sudan, and northern Uganda.[83] In 2006, the Council adopted resolution 1674 with new language aimed at ensuring implementation of POC mandates by missions:

> *Reaffirms* its practice of ensuring that the mandates of United Nations peacekeeping, political and peacebuilding missions include, where appropriate and on a case-by-case basis, provisions regarding (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation, (ii) the facilitation of the provision of humanitarian assistance, and (iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, and *expresses its intention* of ensuring that (i) such mandates include clear guidelines as to what missions can and should do to achieve those goals, (ii) the protection of civilians is given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of the mandates, and (iii) that protection mandates are implemented.[84]

In January 2009, the Council adopted a new iteration of the *Aide Mémoire* on the protection of civilians. It is meant to serve as:

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[81] Examples of the Council's consideration of the protection of civilians in armed conflict include: S/RES/1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones; S/RES/1539 (2004) on children and armed conflict; Statements by the President of the Security Council on the protection of civilians in armed conflict – S/PRST/2004/46 of 14 December 2004 and S/PRST/2005/25 of 21 June 2005 -; and Secretary General reports submitted every 18 months to the Council, an example of which is *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, S/2004/431 of 28 May 2004.

[82] See *Cross-Cutting Report No. 2: Protection of Civilians* (Security Council Report, 2008), which asserts that: 'A number of developments may have had a direct impact on this slowing of momentum. They include the US-led invasion of Iraq, increasing concern with terrorism, and US ambivalence towards the ICC leading to resolution 1422 (2002) (which briefly established immunity for military personnel from states not parties to the ICC Statute serving in a Council-authorised mission). The resulting environment was one in which divisions among members coupled with intensified nervousness in the Council probably limited capacity for new initiatives.'

[83] Ibid.

[84] S/RES/1674 of 28 April 2006, para. 16.

> a practical tool that could improve the Council's analysis and diagnosis of key protection issues, particularly during its deliberations on peacekeeping mandates.[85]

The Council also stressed the need to implement the approaches set out therein 'on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation'.[86] The *Aide Mémoire* set out relevant language on POC from past thematic and country-specific resolutions and also recalled possible measures that peacekeeping missions could take to enhance the protection of civilians, including:

- that reports of the Secretary-General on country-specific situations include the protection of civilians as a specific aspect of the report;
- that mission-specific strategies and plans of action be developed in consultation with United Nations Country Teams to enhance the protection of civilians and take into account the needs of different population groups, including IDPs and refugees, women, children, older persons and persons with disabilities; and
- that troop- and police-contributing countries (TCCs and PCCs) ensure the provision of appropriate training to heighten the awareness and responsiveness to protection concerns of their personnel participating in United Nations peacekeeping and other relevant missions authorized by the Security Council to protect civilians.[87]

Another important development that took place in January 2009 in an effort to bridge the gap between the Security Council and the field was the establishment of the informal Security Council 'Expert Group' on the protection of civilians. The establishment of the Expert Group was one of the main recommendations of the Secretary-General's 2007 report on the protection of civilians.[88]

Convened for the first time in January 2009 by the United Kingdom, who has had the lead for protection of civilians issues within the Council, the Expert Group serves as an informal forum for transparent and timely discussions on protection in a particualr context and concerns between Security Council members, ahead of the of establishment or renewal peace-

[85] Press release SC/9571 states: 'Security Council, in presidential statement, reaffirms commitment to protection of civilians in armed conflict, adopts updated aide-memoire on issue' (UNDPI, 14 January 2009).

[86] Ibid.

[87] S/PRST/2009/1 of 14 January 2009.

[88] Report of the Secretary-General on the Protection of Civilians in Armed Conflict. S/2007/643 of 28 October.

keeping or relevant political missions. The UK has convened the Expert Group six times since its establishment earlier this year.

OCHA, through its Protection of Civilians Section, briefs the Expert Group on protection concerns in the context under review on the basis of information collected from humanitarian partners in the field and at headquarters. The objective of the briefing is to bring the Council's attention to key protection concerns and to make suggestions for how they could be addressed by the Council in the resolutions—and mandates—being negotiated. At the time of writing, DPKO had not participated in any of the meetings of the Expert Group. However, the Chair of the Group has signalled its intention to invite DPKO to participate in future meetings as an observer.

Strikingly, despite ten years of statements by the Council, adoption of three iterations of the *Aide Mémoire,* and a number of mission-specific and thematic resolutions, no Council document offers an operational definition of what protection of civilians means for peacekeeping missions; nor has the Council tasked the Secretariat, which may be the most appropriate organ to develop such guidance, to do so. The guidance from the Council seemed clearest in the earlier discussions of protection from imminent threat from physical violence, or when the Council reached out to specifically request the execution of particular tasks (such as safe areas) or to advise on tools for the preparation of missions (such as the UN Standby Arrangement System, training, or intelligence).

Thematic approaches to protection

The Security Council has also considered the protection of civilians through the lens of specific themes, using resolutions to recognize the need to address the protection of at-risk groups, such as women and children; to acknowledge the basis of protection in IHL and in human rights law; and to support the protection of civilians in armed conflict. In addition to resolution 1674[89] (2006) on the protection of civilians in armed conflict, examples include: resolutions 1325 (2000) and 1889 (2009) on women, peace

[89] The UN *Capstone Doctrine* recognizes resolution 1674 as reaffirming 'the Council's commitment to ensuring that the mandates of peacekeeping operations, where appropriate and on a case-by-case basis, include provisions regarding (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation, (ii) the facilitation of the provision of humanitarian assistance, and (iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons' (*United Nations Peacekeeping Operations: Principles and Guidelines ('Capstone Document'),* UNDPKO, 2008, p. 41, n. 4).

and security; resolutions 1612 (2005) and 1882 (2009) on children and armed conflict; and resolutions 1820 and 1888 (2008) on sexual and gender-based violence.

These resolutions have direct implications for peacekeeping missions. For example, the *Capstone Doctrine,* which provides guidance to peacekeeping missions, points out that the Council in resolution 1612:

> stresses the responsibility of United Nations peacekeeping operations to ensure a coordinated response to children and armed conflict concerns and to monitor and report to the Secretary-General.[90]

The Secretary General is required to have Child Protection Advisers assessed in preparation for a mission, both in number and in their roles.[91]

The concerns raised by these resolutions were referred to or implicit in earlier Council debates and mandates. During discussion of the Sierra Leone mission in 1999 and 2000, for example, the Under-Secretary-General for Peacekeeping pointed to rape and attacks against civilians as a concern for the mission that needed to be addressed in a protection strategy:

> Another source of concern for the entire United Nations family, for non-governmental organizations and for Governments is the human rights situation, with too-frequent occurrences of rape, looting and harassment of and attacks on civilians. Furthermore, both the RUF and the AFRC[92] have to date shown great reluctance to release adult and child abductees. Only some 1,000 adults and children have been released so far. Considerable numbers of civilians are still in captivity, and there are reports of continuing abductions. UNAMSIL issued a strong appeal to the parties to take immediate action to end the abuses, the human rights violations and the attacks against civilians. We also continue to urge Government authorities and ECOMOG to protect the civilian population to the extent possible, and wherever possible. In this regard, it should be recalled that a Ghanaian ECOMOG soldier was injured recently when his unit took part in the defence of a village against an attack by a rebel group at Pepel island, 20 kilometres east of Lungi.[93]

[90] Ibid. (p. 41, n. 3).

[91] Ibid. (p. 41, n. 3).

[92] The RUF is the Revolutionary United Front, a rebel group led by Foday Sankoh in Sierra Leone. The RUF incited the 11-year civil war in 1991, which resulted in the death of tens of thousands and the displacement of more than two million people. The AFRC is the Armed Forces Revolutionary Council, a rebel group formed by Maj. Johnny Paul Koroma of the Sierra Leonean military in 1997, the same year the AFRC carried out a coup d'état against the government of President Ahmad Tejan Kabbah.

[93] Security Council Meeting S/PV.4078 of 10 December 1999. Statement made by Bernard Miyet, Under-Secretary-General for Peacekeeping Operations.

Resolution 1325 (2000) on women, peace, and security.[94] The Council adopted resolution 1325 (2000) on *Women and Peace and Security* on 31 October 2000.[95] This was the first Security Council resolution explicitly linking women to the peace and security agenda, and it recognized both the differential impact of conflict on women as well as their important role in preventing and resolving conflict. The resolution encouraged increased participation of women at all decision-making levels within a peace process and emphasized the adoption of a gender perspective across missions. Furthermore, resolution 1325 (2000) '[*called*] *on* all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse'.[96]

In addition, resolution 1325 included operational direction with implications for the Secretary-General and Member States. Among the operative paragraphs, the Council called for an expanded role for women in field-based operations (especially as military observers, civilian police, and human rights and humanitarian personnel) as well as a separated gender component within appropriate peacekeeping missions. The Council requested the Secretary-General to provide, and Member States to use, training guidelines and materials regarding the protection and needs of women in conflict.

Resolution 1612 (2005) on children and armed conflict. Resolution 1612 (2005) was adopted on 26 July 2005, following five previous thematic resolutions dealing specifically with children and armed conflict.[97] Resolution 1612 is unique in that it created a monitoring and reporting mechanism (MRM) as well as a Council Working Group that would issue conclusions and recommendations to the Council and all relevant parties. The resolution asked for the Secretary-General to implement immediately an MRM that provided timely, accurate, objective, and reliable information regarding the recruitment and use of child soldiers and abuses committed against children in armed conflict. The mechanism monitors six abuses perpetrated against children: killing or maiming of children; recruiting or using child soldiers; attacks against schools or hospitals; rape or other

[94] The *Capstone Doctrine* points out that: 'It is widely recognized that the international community's objectives in countries emerging from conflict will be better served if women and girls are protected and if arrangements are put in place to allow for the full participation of women in the peace process.' (UNDPKO, 2008, p. 41, n. 2). Resolution 1325 calls on UN operations to mainstream gender issues into operational activities.

[95] As this study was being prepared for publication, the Council passed S/RES/1889 of 30 September 2009 on women, peace, and security. This resolution is not analysed in this study.

[96] S/RES/1325 of 31 October 2000.

[97] S/RES/1612 of 26 July 2005.

grave sexual violence against children; abduction of children; and denial of humanitarian access for children.[98]

Resolution 1612 also establishes the Working Group on Children and Armed Conflict, consisting of the Security Council members charged with, among other things, reviewing the MRM reports, evaluating the progress of action plans, and making recommendations to the Council on the promotion of child protection, including recommendations for peacekeeping mandates.[99]

Resolution 1820 (2008) on women, peace, and security (focusing on sexual and gender-based violence in conflicts and their aftermath). Resolution 1820 (2008) was unanimously adopted by the Security Council on 19 June 2008, following an open debate.[100] In a concept paper released prior to the debate, the permanent representative of the United States suggested several topics for discussion, including: information gathering and reporting on the scope of sexual violence in conflict, the strengthening of peacekeeping mandates so as to improve prevention and protection against sexual violence, and addressing impunity.[101] The concept paper explained that the debate should be viewed as a follow-up to resolution 1325 (2000).

The open debate prior to the adoption of resolution 1820 (2008) reflected certain views within the Security Council of peacekeeping missions' role in protecting civilians from sexual violence. A frequent point of discussion was the need for mandates to provide clearer guidelines for peacekeepers on the protection of civilians against sexual violence. The representative from Liechtenstein explained that:

> The protection of civilians must be an inherent task for all peacekeeping missions. This applies in particular to acts of sexual violence. Peacekeepers are currently providing protection, including against sexual violence, only on an ad hoc basis and under a flexible interpretation of their sometimes vague mandates. Future mandates must provide clear guidance, in particular to commanders, on how to protect civilians, including girls and women, from sexual violence. Resolution 1794 (2007) can serve as an example in this regard. Furthermore, predeployment and [in]-mission training programmes must instruct police, security and humanitarian personnel on how to recognize and react to incidents of sexual violence.[102]

[98] Working Group on Children and Armed Conflict (CAAC, n.d.).

[99] Ibid.

[100] As this study was being prepared for publication, the Council passed resolution 1888 (2009) on Women and Peace and Security, focusing on SGBV. This resolution is not analyzed in this study.

[101] *Women, Peace and Security: Sexual Violence in Situations of Armed Conflict*, Security Council Report, 11 June 2008.

[102] Security Council Meeting S/PV.5916 of 19 June 2008.

The quote above refers to a MONUC mandate (resolution 1794), which is unique among mission mandates in calling on the peacekeeping mission to monitor and take action to address sexual violence. In that resolution, the Council:

> *Requests* MONUC, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to undertake a thorough review of its efforts to prevent and respond to sexual violence, and to pursue a comprehensive mission-wide strategy, in close cooperation with the United Nations Country Team and other partners, to strengthen prevention, protection, and response to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including factual data and trend analyses of the problem.[103]

Resolution 1794 helped to spur a mission-wide *Comprehensive Strategy to Combat Sexual Violence in DRC,* supported by UN Action[104] and endorsed by the Government of the DRC on 1 April 2009.[105]

By adopting resolution 1820 (2008), the Council:

> [*stressed*] that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security.[106]

The resolution affirmed that sexual violence was a war crime, a crime against humanity, and a component of genocide that is not susceptible to amnesty in peace processes. Among other operative paragraphs, the resolution requested that the Secretary-General develop guidelines and strategies for UN peacekeeping operations to protect civilians from sexual violence and to include in his reports observations and recommendations regarding the protection of women and girls. The Secretary-General was

[103] S/RES/1794 of 21 December 2007.

[104] 'UN Action Against Sexual Violence in Conflict (UN Action) unites the work of 12 UN entities with the goal of ending sexual violence in conflict. It is a concerted effort by the UN system to improve coordination and accountability, amplify programming and advocacy, and support national efforts to prevent sexual violence and respond effectively to the needs of survivors' (UN Action, n.d.).

[105] MONUC has faced the commission of widespread sexual violence against civilians in the eastern provinces of the DRC. Resolution 1794 is unique in its attempt to provide clearer guidance to a mission; it successfully led to an increased focus on sexual violence within the MONUC.

[106] S/RES/1820 of 19 June 2008.

further requested to develop mechanisms to protect civilians from sexual violence in and around UN refugee and IDP camps, and to help develop and implement training programmes for peacekeepers and humanitarian personnel.[107]

The inclusion of thematic language in mission mandates. In its mission mandates, the Council includes specific language related to the protection of vulnerable populations and to the facilitation of humanitarian assistance, the protection of UN facilities and personnel, the creation of an environment conducive to refugee and IDP return, and the special needs of at-risk groups (such as women and children), including protection from sexual and gender-based violence. Examples of standard mandate language for peacekeeping missions on these issues include:

- to facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions;[108]
- in the areas of deployment of its forces and within its capabilities, to protect the operation's personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations personnel;[109]
- to facilitate the voluntary and sustainable return of refugees and internally displaced persons to their homes.[110]

The four missions reviewed in depth for this –study—MONUC, UNMIS, UNAMID, and UNOCI—have typically framed this language within the human rights paradigm, and less through the perspective of physical protection.[111] As touched on above, MONUC provides some of the best examples of the evolution of Council language in a mission mandate. Specifically, the Council's resolutions have increasingly asked MONUC to further address the prevalence of rape.[112]

[107] Ibid. (paras. 6, 9, 10).

[108] S/RES/1739 of 10 January 2007.

[109] S/RES/1778 of 25 September 2007.

[110] *Letter to the President of the Security Council* S/2007/307 of 24 May 2007 (p.14, sec.vi).

[111] Of the missions visited (UNMIS, UNAMID, MONUC, and UNOCI), the broadest variation in mandate language referring to thematic protection issues has usually pertained to SGBV and the vulnerabilities of women and children.

[112] See Chapter 4 for a more detailed review of how the Council has included language related to the above-mentioned thematic issues in mission mandates. For an in-depth review of MONUC's mandate, see the MONUC case study. A table summarizing thematic approaches in the mandates of MONUC, UNMIS, UNAMID, and UNOCI can be found after the case studies, at the end of this volume.

III. Humanitarian and peacekeeping protection concepts and dialogue

The Security Council is affected by outside views of protection and, in turn, influences peacekeeping and humanitarian actors. Therefore it is important to understand how the Council's use of the concept of POC has varied over time and how it is interpreted by diverse stakeholders from UN headquarters to the implementers and beneficiaries of protection in the field.

As discussed here, the Council has altered peacekeeping mandates over the last decade, moving them beyond their traditional origins of authorizing the monitoring of peace agreements[113] to usher in more multidimensional and integrated missions[114] that seek to ensure that political aims, humanitarian strategies, and longer-term development goals are integrated into the overall peacekeeping effort.[115]

In doing so, however, the protection of civilians has not been addressed squarely by the Council to describe precisely what peacekeeping missions are to do as tasks, how they should interact with complementary humanitarian protection actors, or how to measure the result. Key studies have grappled with related issues, including the relationship between Council-mandated operations and the host nation (the question of consent), the capacities and effectiveness of the peacekeeping missions, and the role the peacekeepers can play if violence escalates against the civilian population (the question of use of force and impartiality).

This section first looks at the evolution of the protection concept in relation to peacekeeping and to humanitarian actors. It will then turn to challenges undermining the dialogue and coherence between these two actors, the lack of guidance for interaction, and finally existing guidance for complementary protection tasks.

[113] The principles of UN operations remain based in the consent of parties, impartiality, and minimal and proportionate use of force/defence of self and mission. With modern missions, these principles have been pushed to include legitimacy, credibility, and local ownership.

[114] Yet another reform in peacekeeping in the 1990s was the move towards integrated peacekeeping missions. In 1997, the Secretary General issued a report, *Renewing the United Nations: A Programme Reform* A/51/950 of 14 July 1997. As missions were being tasked with both peacebuilding and transitions as well as providing humanitarian assistance, the report called for 'a more integrated and unified UN, both at headquarters and in the field' and gave the Special Representatives of the Secretary-General more authority. The Secretary-General 'declared that system-wide integration in the field would be one of his key objectives, particularly when it came to peacekeeping and peacebuilding activities, both in the field and at headquarters'. See *Report on Integrated Missions: Practical Perspectives and Recommendations* (Eide et al., 2005, p. 11).

[115] Annual Report of the Secretary-General on the Work of the Organization A/52/1 of 3 September 1997 (paras. 116, 117).

Peacekeeping protection concepts: the *Brahimi Report*

In 2000, with a new crisis for the peacekeeping mission in Sierra Leone grabbing headlines, the landmark *Report of the Panel on United Nations Peace Operations* set the stage for a new era of UN peacekeeping operations.[116] Known as the *Brahimi Report* after its Chair, Algerian diplomat Lakhdar Brahimi, the August 2000 report presented to the General Assembly and the Security Council the core structural, normative, doctrinal, and operational issues facing UN peacekeeping missions.

The *Brahimi Report* recognized the emerging environment of peacekeeping, one in which missions were deploying into extraordinarily complex intra-state conflicts. Stating that 'United Nations operations [. . .] do not deploy into post-conflict situations so much as they deploy to create such situations', the expert panel described such environments as characterized by the presence of spoilers, complicit neighbours, illicit economies, and large-scale victimization of the civilian population, each factor both a consequence of the conflict and a cause of its persistence.[117] The implications for peacekeeping included higher levels of violence, fluid and tenuous consent of the belligerents, and deliberate attacks against civilians. Noting that earlier missions foundered in the face of such challenges, Brahimi urged that UN peacekeepers 'must be able to carry out their mandate professionally and successfully'.[118] The structure of mission design, planning, and management from an earlier era of peacekeeping, where missions were planned to uphold peace agreements that signaled the end of conflict, no longer worked.

The implications of Brahimi's recommendation were clear for the protection of civilians as well, both in principle and as an operational requirement:

> This means that United Nations military units must be capable of defending themselves, other mission components and the mission's mandate. Rules of engagement should not limit contingents to stroke-for-stroke a source of deadly fire that is directed at United Nations troops or at the people they are charged to protect, and, in particularly dangerous situations, should not force United Nations contingents to cede the initiative to their attackers.[119]

This injunction was linked to the principle of impartiality of the mission's actions:

[116] *Report of the Panel on United Nations Peace Operations* A/55/305-S/2000/809 of 21 August 2000 *('Brahimi Report')*.
[117] Ibid. (p. 4, para. 20).
[118] Ibid. (p. 9, para. 49).
[119] Ibid.

> Impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time, which can amount to a policy of appeasement. In some cases, local parties consist of not moral equals but obvious aggressors and victims, and peacekeepers may not only be operationally justified in using force but morally compelled to do so.[120]

Invoking the example of Rwanda and citing the assertion in Security Council resolution 1296 (2000) that the targeting of civilians in armed conflict may constitute a threat to international peace and security, the *Brahimi Report* argued that UN operations should be prepared to protect civilians in the event of a crisis. In turn, the Secretariat needed to account for such contingencies in its mission planning processes; mandates should be clear on a mission's authority to use force; and missions should be of sufficient size and possess the requisite capabilities to pose a credible deterrent threat to would-be spoilers. The *Report* also addressed the generation of troops, cautioning Member States that willingness to contribute troops to such missions implied a willingness to accept the associated risks to their troops. To the Secretary-General, it assigned the role of making those risks clear to potential TCCs while simultaneously making the case that their interests are nonetheless served by contributing to the resolution of the conflict and strengthening the collective security arrangements anchored by the United Nations.

In terms of POC, the *Brahimi Report* applauded the trend to extend 'additional protection to civilians in armed conflicts' and towards explicitly mandating peacekeepers to protect civilians:

> peacekeepers—troops or police—who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles and, as stated in the report of the Independent Inquiry on Rwanda, consistent with 'the perception and the expectation of protection created by [an operation's] very presence' (see S/1999/1257, p. 51).[121]

At the same time, it voiced cold caution that mandates to protect would raise expectations beyond what could be achieved. Such mandates should not be equated with protecting everyone from everything, and even then, would require specific resources 'to carry out that mandate'.[122] In a

[120] Ibid. (para. 50).
[121] Ibid. (p. 11, para. 62).
[122] Ibid. (p. 11, para. 63).

sense, it cautioned against the idea that the protection of civilians could be the overarching mission goal, while recognizing a defined role in preventing violence against civilians within the mission's means.

The *Brahimi Report* offered a structure to improve UN operations through professionalism and added staff at DPKO, increasing rapid and effective deployment, and supporting development of doctrine and training for UN missions. The *Report* did not address protection in more detail, but the principles it identified are what make any mission—especially those mandated to support the protection of civilians—most likely to achieve success. It also emphasized the importance of defining protection, navigating the use of force, and translating mandates via the Council and the Secretariat to effective missions. Thus, while the report did not solve the 'What is protection?' question for peacekeeping, it recognized that the question existed. It offered principles but left solutions for others to articulate.

Protection as an operational humanitarian concept: the egg model, the IASC, and clusters

While peacekeeping operations were evolving to respond to complex environments where civilians were under threat, humanitarian actors were also adapting. In conflicts and crises where national governments and parties to the conflict failed to protect civilians, humanitarian actors began to question whether and how they should deliver assistance to better protect civilians, resulting in the engagement of many humanitarian actors in POC. The humanitarian concept of protection—in definition and practice—continues to evolve to enable humanitarian actors to better prevent and respond to threats to civilians in and beyond active conflicts.[123] Today, various humanitarian actors mainstream protection to deliver assistance in a way that minimizes threats to civilians; they also provide stand-alone protection programmes that seek to prevent or respond to threats to civilians posed by other actors.[124] Although welcome, the changing nature of the concept and the proliferation of actors have implications for policy coherence and coordination within and beyond the humanitarian community.

[123] For example, although not discussed in this report, the scope of humanitarian protection has evolved to include populations displaced or at risk as a result of 'organised armed conflict, ongoing generalised violence, natural disasters and post-conflict situations'. See *Protective Action: Incorporating Civilian Protection into Humanitarian Response* (O'Callaghan and Pantuliano, 2007, p. 1).

[124] Ibid.

The humanitarian community has intensely debated the topic of 'protection' for more than a decade, beginning in the late 1990s with a series of workshops led by the International Committee of the Red Cross (ICRC) in Geneva that led to some ground-breaking policy. In 1999, the ICRC convened the third in a series of workshops, which resulted in the adoption of a definition of protection mentioned in Chapter 1 and known as the 'egg model'[125] by virtue of its diagrammatic representation as concentric sets of activities. This model was a milestone in gaining consensus on protection as an operational issue. It explains protection as a broad framework including three overlapping categories of actions: responsive, remedial, and environment building.

In 2002, the IASC released a major publication, *Growing the Sheltering Tree,* a collection of field-level examples of 'humanitarian practices which promote or protect rights'.[126] The publication included field examples broken into four categories:

- broad initiatives and approaches to strengthen the protection environment, including capacity building, working with parties to the conflict towards respect for international humanitarian law, protection and peacekeeping, and the dissemination of international humanitarian, human rights, and refugee law;
- preserving and protecting life, health, and dignity through humanitarian action, including family unity and tracing, water and sanitation, food security, shelter, identification and documentation, preventing and responding to threats to life, preventing torture, preventing and responding to sexual violence, and preventing and responding to violations of freedom of movement;
- practices that promote and protect the rights of specific groups; and
- remedial activities and actions to ensure accountability.

Despite these advances in developing definition and practice, some asserted that UN humanitarian stakeholders had not yet taken sufficient steps to realize protection on the ground. In 2004, a major OCHA–Brookings Institution joint study on protection in the context of internal displacement concluded:

[125] *ICRC Protection Policy* (ICRC, 2008).
[126] *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action* (IASC, 2002).

> ten years after Rwanda, the United Nations had still not adopted the protection of civilians and the prevention of displacement as a core part of its mandate.[127]

During 2004, the Darfur crisis refocused attention on the issue of protection. Obvious gaps in the response to the Darfur crisis were in large part responsible for the UN Emergency Response Coordinator's commissioning of the independent *Humanitarian Response Review*, a global, system-wide reflection on humanitarian response in 2005.[128] Specific to protection, the review found that:

> as a sector, protection requires special and urgent attention [. . .]. A complicating element is that the differing perceptions of roles and responsibilities often confuse discussions on the issues.[129]

More generally, the *Humanitarian Response Review*'s recommendations resulted in a proposal for a 'cluster approach' to address gaps, provide leadership and resources, and improve humanitarian coordination through partnerships between UN agencies, the ICRC and Red Crescent Movement, and non-governmental organizations.[130] The cluster approach is now one of three main pillars of a broader humanitarian reform agenda that seeks to ensure greater predictability and accountability. As part of this approach, the IASC[131] agreed to designate global 'cluster leads'—specifically for humanitarian emergencies—in nine sectors or areas of activity, including protection. The process recognized that in international responses to humanitarian crises, some sectors had in the past benefited from having clearly mandated lead agencies, while others had not. The previous lack of leadership repeatedly led to unpredictable humanitarian responses, with inevitable capacity and response gaps in some areas. The IASC also agreed that the cluster approach should be applied, with some flexibility, at the country level.

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[127] *Protect or Neglect: Towards a More Effective United Nations Approach to the Protection of Internally Displaced Persons* (Bagshaw and Paul, 2004, p. 3).

[128] *Humanitarian Response Review* (OCHA, 2005, p. 9, para. 13).

[129] Ibid.

[130] 'The cluster approach was proposed as a way of addressing gaps and strengthening the effectiveness of humanitarian response through building partnerships. Moreover the cluster approach ensures predictability and accountability in international responses to humanitarian emergencies, by clarifying the division of labour among organisations, and better defining their roles and responsibilities within the different sectors of the response. It is about making the international humanitarian community more structured, accountable and professional, so that it can be a better partner for host governments, local authorities and local civil society' (*What Is the 'Cluster Approach?'*, OCHA, n.d.).

[131] The IASC is the primary mechanism for inter-agency humanitarian assistance coordination and includes key UN and non-UN humanitarian partners. For more information, see IASC (n.d.).

For protection, the cluster approach catalysed a process to more clearly define the roles and responsibilities of humanitarian actors engaged in protection at both the global and the field level. It has led to the elaboration of a clearer 'international institutional framework' for the coordination of protection activities among humanitarian actors. The Cluster Approach Evaluation in 2007 recognized significant improvement in coordination of protection activities among humanitarian agencies, while expressing reservations about the consistency of approach.[132] Nevertheless, in the context of the humanitarian reform agenda, significant progress has been made on standardizing protection policy in the context of the IASC and global Protection Cluster in Geneva.

While a detailed exploration of exclusively humanitarian protection strategies is beyond the scope of this study, the interaction between humanitarian actors and peacekeeping operations is of great relevance, especially in the context of integrated missions. Moreover, as humanitarians reviewed their own responses in complex protection crises, they also explored options to improve the security situation, with many looking to peacekeeping missions to provide complementary physical protection and security to civilians.

As described above, there has been progress on defining and operationalizing the evolving humanitarian concept of protection and coordinating protection activities between humanitarian actors. However, gaps remain in policy coherence, understanding roles and responsibilities and coordination between humanitarian actors and the civilian and military components of peacekeeping missions responsible for protection.

Dialogue between peacekeepers and humanitarian actors

Although humanitarian and peacekeeping communities do reference the other's work, and although the Council has implicitly linked the distinct roles of a) the military and political civilian components of a mission to b) humanitarian actors, the coherence is inadequate. Indeed, the first *explicit* assertion in Council language that a comprehensive strategy is required to improve the protection of civilians in the context of a UN peacekeeping operation is in resolution 1870 of May 2009 on UNMIS.[133]

[132] *Cluster Approach Evaluation* (Stoddard et al., 2007, p. 1, para. 4, p.2 para 11).

[133] S/RES/1870 of 30 April 2009: '*Deplores* the persistent localized conflict and violence and its effect on civilians, especially within Southern Sudan, and the continuing potential for violence and calls upon UNMIS to strengthen its conflict management capacity by completing as soon as possible its integrated strategy to support local tribal conflict resolution mechanisms in order to maximize protection of civilians; welcomes the development of a comprehensive strategy on the protection of civilians and encourages UNMIS to continue and complete its work on the strategy in a timely manner; and calls again upon UNMIS, consistent with its current mandate and capabilities, to pro actively conduct patrols in areas at high risk of localized conflict.'

This lack of coherence is in part a symptom of the evolving nature of integrated missions. As discussed in Chapter 1, as missions were integrated, they were tasked with contributing to the 'transition from war to lasting peace, or to address a similarly complex situation that requires a system-wide UN response', such as a failed state.[134] These tasks require missions to undertake inherently political (and therefore non-neutral) tasks, sometimes with a host state[135] that may still be a party to conflict, especially in cases where missions are deployed before peace agreements are fully implemented.[136] Missions may also be tasked with partnering with host governments involved in human rights abuses at the same time they are responsible for monitoring and reporting on such violations.[137] Moreover, although in most peacekeeping operations, OCHA offices are not physically integrated within the mission, humanitarian actors—guided by the humanitarian principles of impartiality, neutrality, and independence—coordinate and interact with the mission in various ways.[138] Thus integration gave rise to an inherent tension between two sets of tasks: the mission's political objectives and the humanitarian actors' neutral and independent activities.

This strain has contributed to the 'humanitarian dilemma' (such as the tension between the political and humanitarian functions of the UN and its partners) and the desire of humanitarian actors to assert their independent, impartial, and neutral role.[139] Despite the fact that the humanitarian community and other actors have taken steps to create firewalls or otherwise distinguish between a) the various military and political civil-

[134] *Report on Integrated Missions: Practical Perspectives and Recommendations* (Eide et al., 2005, p. 11).

[135] Ibid, (p. 6).

[136] The UNAMID case study in this report examines how a mission that was deployed to support the implementation of the Darfur Peace Agreement, which only included two of various major parties to the conflict, was quickly discredited and was never fully implemented.

[137] *Report on Integrated Missions: Practical Perspectives and Recommendations* (Eide et al., 2005, p. 11).

[138] Ibid.

[139] It should be noted that the terms impartial and neutral have different meanings for humanitarian actors and peacekeepers. The UN *Capstone Doctrine* explains that: 'United Nations peacekeeping operations must implement their mandate without favour or prejudice to any party. Impartiality is crucial to maintaining the consent and cooperation of the main parties, but should not be confused with neutrality or inactivity. United Nations peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate.' It goes on to note, though, that '[h]umanitarian actors also use the terms impartiality and neutrality as two of the fundamental principles of humanitarian action, along with humanity and independence. However, their meanings are different. It is important to be aware of these differences, in order to avoid misunderstandings. Humanitarian actors use the definition developed by the International Red Cross and Red Crescent Movement, in particular, impartiality means being guided solely by needs, making no discrimination on the basis of nationality, race, gender, class, or religious/political beliefs; while neutrality means to take no sides in hostilities or engage, at any time, in controversies of a political, racial, religious or ideological nature.' *United Nations Peacekeeping Operations: Principles and Guidelines ('Capstone Doctrine')* of 18 January 2008 (Part I, ch. 3, pp. 33, 43).

ian components within a mission and b) UN humanitarian agencies and non-governmental humanitarian actors, communities and armed actors do not always recognize the distinction. Humanitarian actors are increasingly concerned about the blurring of these distinctions, including when military components of missions are tasked with implementing quick-impact projects that are designed to win the hearts and minds of communities but have included the same or similar activities undertaken by humanitarian actors.

Guidance for interaction. There is little, if any, literature on how humanitarian agencies can interact with the political and military components of UN peacekeeping missions.[140] The language that exists is often focused on protecting 'humanitarian space' or ensuring that humanitarian concerns not be undermined by the mission's political priorities. For example, OCHA's *Protect or Neglect* study of 2004 concludes:

> a principled approach to protection means that advocacy on protection and humanitarian issues is not held hostage to the political concerns of UN peace missions or Secretariat officials in New York. This requires open discussion within the UN system on the roles and relationships between the humanitarian and political sides of the UN. It is a discussion that should lead to express guidance for Special Representatives of the Secretary-General on their responsibilities to support the advocacy efforts of the humanitarian side of the UN. It should mean undertaking advocacy on behalf of the humanitarian side at the highest level. Both the Department of Political Affairs and the Department of Peacekeeping Operations should have designated protection liaison staff in their offices for this purpose.[141]

How these relationships play out at the field level is shown in chapter 4 and in the case studies. In policy terms, it was challenging to find any literature that deals expressly with the relationship between humanitarian actors and UN political and military components; in other words, there is no exploration of what practical collaboration may be possible. Extensive exchanges have taken place between humanitarians and peacekeepers under the specific 'civil–military' banner, related in particular to the security of humanitarian workers and the provision of escorts. Ad hoc

[140] It is presumed that civilian substantive sections of peacekeeping operations, particularly child protection and human rights, are invited to participate in Protection Clusters. Practical examples of how this relationship works in the field are provided in Chapter 4 and in the four case studies.

[141] *Protect or Neglect: Towards a More Effective United Nations Approach to the Protection of Internally Displaced Persons* (Bagshaw and Paul, 2004, p. 7, para. 3).

dialogues have also taken place in various workshops such as the one in Abidjan detailed in the UNOCI case study. This dialogue notwithstanding, there remains no concrete policy framework to place the work of UN peacekeeping operations and their role in protection in relation to that of humanitarian actors. Other studies have noted this gap: the *Cluster Approach Evaluation* cites as 'notable' the absence of DPKO and DPA at the global Protection Cluster level. The evaluation considers this absence unusual 'for a cluster dependent on political influence and multi-disciplinary approaches'.[142]

Guidance on complementary protection tasks. The Secretary-General reports on the protection of civilians in armed conflict has contributed some guidance on complementary tasks since September 1999. The reports have made direct links between humanitarian protection strategies and roles for uniformed peacekeepers. The 1999 report, for example, affirmed the Council's role in authorizing protection of civilians in conflict by peacekeeping or enforcement measures, and suggested specific tasks for peacekeepers:

> Discouraging abuses of civilian populations; providing stability and fostering a political process of reconciliation, supporting institution-building efforts, including in such areas as human rights and law enforcement; protecting humanitarian workers and delivering humanitarian assistance; maintaining the security and neutrality of refugee camps, including separation of combatants and non-combatants; maintaining 'safe zones' for the protection of civilian populations; deterring and addressing abuses including through the arrest of war criminals.[143]

The list of activities for peacekeeping operations is extensive and ranges widely across humanitarian, human rights, governance, peacebuilding, and security provision aspects for a mission. While it is understandable how OCHA considers all of these aspects to be 'protection' activities, DPKO's role in each of these aspects is not traditionally defined as POC work. Rather, DPKO staff consistently treated these activities as part of other categories, whether as support to rule of law, DDR, accountability, and peacebuilding.

[142] *Cluster Approach Evaluation* (Stoddard et al., 2007, p. 36, para. 3).

[143] *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict* S/1999/957 of 8 September 1999 (para. 57).

In general, the Secretary-General's reports on the protection of civilians in armed conflict focused on non-coercive strategies for protection, with some offering no discussion of links to peacekeeping or the role for uniformed peacekeepers.[144] The May 2004 report recognized that UN operations were mandated to 'physically protect' civilians and called for support to refugees and IDPs during 'transit as well as after return' and from sexual and gender-based violence. It also called for graduated measures to respond to evidence of 'widespread crimes against civilians', including the rapid deployment of a force to protect civilians.[145] Noting that these reports address broad protection issues, including peacekeeping, they could be leveraged in a joint effort with DPKO to brief the Council on the challenges for peacekeeping and the operational aspects of protection as part of such missions. It does not appear that this has happened, nor does it appear that there was substantial dialogue about the effort to link protection activities identified in these studies specifically to DPKO's role in developing missions.

Additional studies by the DPKO Best Practices Section looked at the successful efforts of the French-led EU mission, Operation Artemis, which intervened in eastern DRC in 2003 to offer physical protection, and the failure of UN peacekeepers in MONUC in 2004 to protect civilians from violence in the eastern DRC.[146] Both offered clear points about mission preparedness and the elements that could support greater effectiveness of future missions to protect civilians. Best Practices again looked at MONUC in 2007, issuing a study in mid-2008 on its findings of protection strategies in the mission area.[147]

IV. Findings

By looking at the Council's role in developing POC mandates for peacekeeping operations, this chapter identifies key points and trends. These findings also identify gaps in the understanding of Council mandates and the ways that missions should develop operational strategies to carry out mandates.

[144] Reports issued in March 2001 and November 2002 focused on key humanitarian and peacebuilding tasks. See also, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Holt and Berkman, 2006, pp. 44–48).

[145] *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict* S/2004/431 of 28 May 2004 (paras. 25, 29).

[146] *MONUC and the Bukavu Crisis 2004* (UNDPKO, 2005); *Operation Artemis: Lessons of the Interim Emergency Multinational Force* (UNDPKO, 2004).

[147] *Case Study: Actions Taken by MONUC to Implement the Security Council Mandate on Protection of Civilians* (Ono, 2008).

For a decade, the Council has made clear its commitment to the protection of civilians. For UN peacekeeping missions, it has increased the direction in mandates to protect civilians. The direction that was first used in 1999 for the Sierra Leone peacekeeping force to 'protect civilians under imminent threat of physical violence' is today virtually standard for all current peacekeeping missions. Further, this mandate is usually given under Chapter VII authority, the strongest direction of the Council. The Council has also urged that missions address more specific areas of protection of civilians, specifying support to at-risk groups, such as women and children, and preventing abuse, such as sexual and gender based violence.

The Council has also taken action in response to work by OCHA and the humanitarian community on the protection of civilians. The regular reporting by the Secretary-General on POC in armed conflict and the *Aide Mémoire* have paid useful attention to the subject matter. These reports also offer specific recommendations to the Council on measures it can take to help increase reporting on civilian insecurity; to support operational field strategies for peacekeeping missions; to develop guidance, training and doctrine; and to increase compliance with international humanitarian law.

As noted earlier, resolution 1674 (2006) of the Council expressed its intention to ensure that protection of civilians mandates include clear guidelines as to what peacekeeping can do to achieve protection aims; that POC be given priority in decisions about capacity and resources, including information and intelligence, in implementing mandates; and that mandates be implemented.

In some aspects, the Council has identified protection as a task of most current UN peacekeeping operations and highlighted it as an objective of others (such as UNAMID and MONUC). The expectation that peacekeeping operations will step in to offer security to civilians, to advocate for their human rights, to protect vulnerable populations—including children, women, and those displaced by conflict—has risen greatly.

The Council's adoption of protection language as a core component of peacekeeping is not clearly linked with the Council's own sustained attention to the results, however. The Council has not followed up by asking the Secretariat or Member States to link those directives to operational strategies for peacekeeping or to link mandates with a commensurate political strategy or field capacity to implement strategies to achieve such aims; this absence of follow-up undermines these mandates.

Thus, the risk is and the result has been that the mandated language becomes standardized and expectations of missions to provide protection increases, but the resulting impact on POC is diminished or confused.

The origins of protection from 'imminent threat'

The Council's ambition when it initially used the direction to protect from imminent threat was clearly to take action if large-scale violence threatened the civilian population, including through the robust use of force, to help prevent another extreme crisis such as the Rwandan genocide.

The caveats are useful in defining a role for peacekeepers, rather than to exclude their actions. The Council has consistently used caveats to offer useful limits for what peacekeeping missions could do for civilian security. Protecting civilians 'within capabilities and areas of deployment' and with 'respect to the responsibilities' of the host state should help avoid creating unrealistic expectations both internationally and in the mission area about the extent of the protection a mission can provide; the language helps avoid mandating the force beyond what it can realistically do.

Additionally, the Council's language urges the host state not to neglect its duties towards its own population. Indeed, this approach reflects the basis of UN peacekeeping and where it can founder when some states fail to provide security or prevent violence against their populations, or where the state perpetrates violence. The Council promoted the idea that 'any potential violator of human rights on a gross scale' should know that 'the international community will not turn a blind eye if and when innocent civilians are under threat of physical violence'.[148]

The Council has not further addressed the definition of protection in operational terms for missions or called on the Secretariat to do so. Given the challenges facing implementation of the protection of civilians, the issue of what is—and is not—considered protection work for a peacekeeping operation should come to a head in the Security Council. But discussions in the Council have embraced multiple approaches, rather than try to define for missions what, specifically, they are to focus on.

Mandates also raise expectations, and blur the state's responsibility. The Council loses credibility when peacekeeping operations are unable to protect civilians where they are deployed. The lack of protection provided to civilians under threat by UN forces during crises in the DRC and Sudan have raised questions about the very meaning of mission mandates, and the Council has reacted by 'strengthening' its language.

As seen in Sierra Leone and many missions since, Council language to protect from imminent threat, as well as to offer protection to women

[148] Security Council Meeting S/PV.4054 of 22 October 1999.

and children, including from sexual and gender-based violence, has not immediately been translated in the field. This raises the question of how the Secretariat and Member States understand and thus prepare for missions, the subject of the next chapter.

Understanding the Council

There are a number of reasons why it is difficult to 'understand' the Council's view on the role of peacekeeping operations regarding the protection of civilians. The views of 'the Council' are not static and can change as a consequence of changes in its membership, not just in response to external events. The Council membership changes regularly, with rotating Member States; views may even change with different ambassadors serving on the Council from the same state.

Council mandates are also political statements, negotiated texts that give direction to peacekeeping missions, rather than operational documents that lay out the specifics of a mission's operations and mode of action. Further, the Council is seen as valuing precedent in writing mandates.[149] The language mandating the protection of civilians for UNAMSIL and MONUC in 1999 and 2000 has been continued in roughly the same format since then, even though it is not widely understood. It may be easier, therefore, to add new language and then revise existing phrases—such as newer references to the protection of women and children and prevention of sexual and gender-based violence.

Despite these inconsistencies, establishment of POC language in peacekeeping mandates is seen as helping build a normative framework to support 'practical strategies' to increase the safety of civilians.[150] The consistent use of reports to the Council on the protection of civilians in armed conflict—and the associated Council discussions—have increased awareness of Council members of the issue, including of the vulnerabilities of children and women, and the problem of sexual and gender-based violence.[151]

[149] Author interview, April 2009.

[150] 'Operationalising the Protection of Civilians' (Golberg, 2006). Draft provided by author, who points out that other world leaders and organizations have taken notice, or a similar route, including similar language about protection of civilians in the Millennium Declaration (World Summit) and the Constitutive Act of the African Union.

[151] This view is based on the increased Council review of these issues, especially with adoption of resolution 1820 in June 2008, and is the premise of advocacy efforts on protection issues with the Council by NGOs, advocates, UN agencies, and Member States. One expert argued that Secretariat reporting to the Council has provided better analysis of conflicts' impact on civilians, including humanitarian access, human rights promotion and protection, child protection, sexual violence, and impunity, which was 'key' to Council decision-making.

Consistent language from the Council—with what result?

In some cases where violence has been large-scale and widespread—the DRC, Sierra Leone, and Sudan—the protection of civilians from physical violence appears uppermost in Council deliberations, even the basis for mission mandates. Recent mandate changes for MONUC, for example, suggest the Council has paid greater attention to the implications of the mandates. In most missions, however, the Council is less concerned with physical violence, presumably because the relevant threat is seen to be less urgent. Thus, the Council's intent is still in question and its practical ramifications need to be better documented. Many interviewed within the UN system have asked for greater clarity from the Council; some states have criticized the mandates as unclear or impracticable.

Clarity to—and from—the Council. Many argue that the Security Council is vague about what mandates to protect civilians mean. Memories of the Sierra Leone mandate debate are not very strong. Few Member States that were interviewed reflected any understanding of the intent of the caveats, of the origins of the language, of the fact that the 'protection of civilians under imminent threat' language established the mission as more than a traditional peacekeeping operation. Those interviewed in the field find the mandates hard to understand, especially when there is no other guidance to support the direction of the Council's mandate.[152]

Looking forward

Establish mission types. Clarity on POC could be enhanced if the approaches to peacekeeping missions were clearly laid out; the Council could thus establish which type of mission it meant to establish.

This familiar debate could be assisted by the recognition that the Council itself is not the natural place to develop specific guidance for peacekeeping missions, but that it could signal a distinction between traditional peacekeeping, robust operations, and non-UN-led peace enforcement. For example, the language of protection of civilians from imminent threat gives license to use force in defence of the mission mandate, up to and including robust operations. In practical terms, there are some distinctions between different types of operations already recognized: *traditional*

[152] Some argue that POC has even been used *in lieu of* a serious political settlement in Darfur, and to some extent in the DRC, as a way to take action nonetheless.

peacekeeping, which is deployed in environments with few anticipated threats to the civilian population; *robust peacekeeping,* where threats to civilians are more constant or there is a risk of extreme violence; and *peace enforcement,* which are missions deployed to enforce a peace and where presumably conflict is ongoing or imminent and thus the mission is not likely to be led by the United Nations itself.

The majority of current UN missions with 'protect civilians from imminent threat' mandates fall in the middle category, authorized under Chapter VII. They are the missions for which guidance is most sorely needed, where the relationship with the host state may be the least clear; and where the need for the Council to understand the operational environment is highest. They may be challenged to use coercive protection approaches, which is where TCCs are least prepared and not assured of backup. Rules of engagement should be better briefed and clarified by Member States, the Secretariat, and TCCs before troops head for the field.

Backing up mandates. The Council remains responsible for the capacity and political support that missions receive. To ensure that mission capacity matches the mandate, particularly for robust peacekeeping missions, the Council needs to follow up with those who are to work with the mission in the field (the political actors) as well as those willing to deploy with the mission (such as TCCs) to make sure the mission is effective and receives the support it requires. Just as seen in the debate over the Sierra Leone mandate in 1999, Member States often argue that the Council needs 'stronger' mandates to enable peacekeepers to be more robust. For nearly a decade, however, other states on the Council have argued that the rules of engagement were already sufficient to take more robust action, and that sufficient resources are at issue for effective action that still is not at the level of a 'peace enforcement' mission.[153]

The key point is that the Council's role is not just to get mission mandate language 'right', but to back up UN peacekeeping operations with political support to the underlying structures of the mission—and to the protection of civilians. Examples include efforts to support peace agreements and negotiations, to bring spoilers into a political agreement, and to support an environment in which the operation can succeed.

The Council should also recognize that UN peacekeeping operations can only take action so far—and that they may well need backup from

[153] Author interview. April 2009.

supportive coalitions, countries, or regional groups. The Council loses credibility when peacekeeping operations are unable to protect civilians where they are deployed.

Information and analysis. The Council's role in providing clarity should be specific and limited. The Council should ask that it be briefed on the threats and vulnerabilities that face the civilians in the mission area in a comprehensive and accurate manner. Such information is critical for the Council members in shaping mandates for potential or existing missions, and for identifying the nature of the belligerents and the threat (such as criminality, ethnic clashes, routine or systematic violence, or deprivation). The recently convened informal Security Council 'Expert Group' on Protection of Civilians mentioned above is important in this respect.

First, candour about peacekeeping environments is needed. The Council needs to play a more active role in understanding what the situation is facing UN peacekeeping missions. Just as the *Brahimi Report* urged, 'The Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when formulating or changing mission mandates.'[154] Today, the Council needs such candour from the Secretariat, as well as the field missions, starting from what is contained in the Secretary-General's reports. Likewise, a better conversation between TCCs and PCCs and Council members would assist both the understanding of mandates and lay the groundwork for more effective deployments.

Second, the Council needs to match its authority with knowledge. There are signs that the Council wants to hold missions more accountable, but that step requires greater knowledge of what operations face, and how mandate language is interpreted and operationalized. Authorization of mandates should be the beginning, not the end, of Member State engagement in these challenging conflicts.

Third, assess threats. For Chapter VII missions with POC mandates, the Council needs to be briefed on (and should require) an assessment of threats and vulnerabilities to civilian populations in the mission area, including ongoing and potential threats and crises.

[154] *Report of the Panel on United Nations Peace Operations* A/55/305-S/2000/809 of 21 August 2000 *('Brahimi Report')* (p. 12, para. 64(d)).

Nonetheless, if the question is how to protect civilians in the area of operation of a UN peacekeeping mission, the inquiry must turn to the design, organization, deployment, and execution of these operations. While Council language is the result of significant planning ahead of its adoption and sets the terms for subsequent planning, the real question lies in how missions are designed to protect civilians (or not).

The next chapter examines how the Council works with the Secretariat in its negotiation and adoption of mandates for peacekeeping missions. It considers the mission planning process, from assessments of potential missions to the planning efforts led by the Secretariat offices to develop missions. Throughout this 'chain', it seeks to identify the areas where the protection of civilians is considered and addressed within the process.

Table 2 Protection of civilians: specific declarations and documents by the Security Council[155]

Date	Outcome	Description
12 Feb. 1999	Presidential Statement (S/PRST/1999/6)	The first presidential statement specifically addressing the issue of the protection of civilians in armed conflict was adopted. The Council expressed grave concern at the growing civilian toll of conflicts and requested the Secretary-General to report on recommendations on how the Council could improve the protection of civilians.
17 Sep. 1999	Resolution 1265 on POC in armed conflict (S/RES/1265)	The first Council resolution on civilians in armed conflict was adopted.
19 Apr. 2000	Resolution 1296 on POC in armed conflict (S/RES/1296)	The second Council resolution on civilians in armed conflict was adopted.
21 Jun. 2001	Letter from the Council President (S/2001/614)	A letter from the President of the Council to the Secretary-General requested the Secretariat to (1) reorganize the recommendations contained in the Secretary-General's first two reports to better clarify responsibilities for their implementation and strengthen coordination within the UN system (known as the 'roadmap') and (2) prepare the *Aide Mémoire*.
15 Mar. 2002	First *Aide Mémoire* (S/PRST/2002/6)	The *Aide Mémoire* identifying 13 core objectives for protecting civilians was adopted as an annex to a Presidential Statement.
20 Dec. 2002	Presidential Statement (S/PRST/2002/41)	A Presidential Statement was adopted acknowledging the emerging issues raised in the Secretary-General's report and recognizing the importance of a comprehensive, coherent, and action-oriented approach.
26 Aug. 2003	Resolution 1502 on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (S/RES/1502)	Expressed condemnation of violence against humanitarian personnel; urged states to punish such crimes; urged all parties involved to promote the safety, security, and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets; and requested the Secretary-General to address the issue of the safety and security of humanitarian personnel and United Nations personnel in all his country-specific situation reports.[156]
15 Dec. 2003	Presidential Statement (S/PRST/2003/27)	A Presidential Statement introduced a ten-point action plan and revised the *Aide Mémoire* in accordance with evolving needs.

[155] Descriptions (excluding those referenced) drawn from *Protection of Civilians in Armed Conflict: Historical Chronology* (Security Council Report, 2009).

[156] S/RES/1502 of 26 August 2003.

Date	Outcome	Description
14 Dec. 2004	Presidential Statement (S/PRST/2004/46)	A Presidential Statement was adopted reaffirming condemnation of violence against civilians and endorsed a ten-point action plan.
21 Jun. 2005	Presidential Statement (S/PRST/2005/25)	A Presidential Statement was adopted expressing concern over the limited progress on the ground to protect civilians and expressing the intention to take further action, including the possible adoption of a new resolution.
14–16 Sep. 2005	World Summit (A/RES/60/1)	The World Summit was held in New York and, in its final document, it reaffirmed the responsibility to protect populations from crimes against humanity, genocide, war crimes, and ethnic cleansing.
28 Apr. 2006	Resolution 1674 on POC in armed conflict (S/RES/1674)	The Council adopted resolution 1674, which reaffirmed the responsibility to protect as formulated in the 2005 World Summit outcome document and included the Council's intention to ensure that protection is clearly outlined in peacekeeping mandates and implemented with priority in resources.
4 Dec. 2006	Council Open Debate (S/PV.5577 and Res. 1)	The Council held an open debate following a briefing by the then Under-Secretary-General for Humanitarian Affairs Jan Egeland on the protection of civilians. Egeland reported that overall progress was being made in implementing protection for civilians in armed conflict. He noted, however, that non-state actors were less respectful of civilian populations than ever. He qualified the abuses of civilians as crimes against humanity and war crimes, 'in certain cases, amount[ing] to genocide'. Finally, he stressed that the responsibility to protect was a core principle of humanity, which should be depoliticized and translated into joint action by Council members and global organizations.
23 Dec. 2006	Resolution 1738 on POC in armed conflict (S/RES/1738)	The Council adopted resolution 1738 condemning intentional attacks against journalists and associated personnel, recalling that they must be considered as civilians, and urging parties in a conflict to prevent abuses against journalists and to respect their professional independence and rights.
22 Jun. 2007	Council Open Debate (S/PV.5703)	The Council held an open debate on the protection of civilians in armed conflict, following a briefing by Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes.
20 Nov. 2007	Council Open Debate (S/PV.5781 and Res. 1)	The Council held an open debate on the protection of civilians.

Date	Outcome	Description
27 May 2008	Council Open Debate (S/PV.5898 and Res. 1)	The Council held an open debate and heard a briefing by Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes (S/PV.5898 and Res. 1). It also adopted a presidential statement reiterating previous messages on protection of civilians and requesting a Secretary-General's report by May 2009 (S/PRST/2008/18).
14 Jan. 2009	Revised *Aide Mémoire* (S/PV.6066 and Res. 1 and S/PRST/2009/1)	The Council held an open debate and heard a briefing by Under-Secretary-General for Humanitarian Affairs John Holmes (S/PV.6066 and resumption 1) and adopted a presidential statement (S/PRST/2009/1) endorsing the revised *Aide Mémoire on Protection of Civilians in Armed Conflict* that had been drafted by OCHA in consultation with Council members.

Table 3 Secretary-General's reports on the protection of civilians[157]

Date	Outcome	Description
08 Sep. 1999	S/1999/957	In his first report, the Secretary-General made several recommendations to the Council aimed at strengthening legal and physical protection of civilians.
30 Mar. 2001	S/2001/331	The second report of the Secretary-General further detailed measures to enhance protection.
26 Nov. 2002	S/2002/1300	The third report of the Secretary-General highlighted the changing environment for the protection of civilians and, in particular, noted that three new challenges had emerged: gender-based violence in conflict situations; the commercial exploitation of conflict; and the rise of terrorism in armed conflict.
28 May 2004	S/2004/431	The fourth report of the Secretary-General reviewed the performance achieved on protection of civilians at UN Headquarters and in the field, and identified several shortfalls that needed special attention (following the ten-point action plan). The report also noted that enhanced monitoring and reporting frameworks were needed in order to better determine areas in which the impact of conflict would be systematically measured and documented. Finally, two key problems were identified: a lack of regional approaches to protection and the absence of inclusion of guarantees for the protection of civilians in peace processes.
28 Oct. 2007	S/2007/643	The Secretary-General's report on protection of civilians in armed conflict noted that large-scale abuses against civilians and violations of international humanitarian law continued in various parts of the globe. The report stressed that critical humanitarian access to vulnerable populations was severely curtailed in the most pressing current conflicts, in that it was 'anything but safe, certainly not timely, and far from unhindered' despite calls from the Security Council and the General Assembly. Particular areas of concern mentioned in the report were Afghanistan, Darfur, the DRC, Iraq, Myanmar, and Somalia.
29 May 2009	S/2009/277	The report marked the tenth anniversary of the consideration by the Security Council of POC as a thematic issue. It noted progress while emphasizing five core challenges: 'enhancing compliance with international law; enhancing compliance by non-State armed groups; enhancing protection through more effective and better resourced United Nations peacekeeping and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations'.[158]

[157] Descriptions (excluding those referenced) quoted directly from *Protection of Civilians in Armed Conflict: Historical Chronology* (Security Council Report, 2009).

[158] Report of the Secretary-General on the Protection of Civilians in Armed Conflict, S/2009/277 of 29 May 2009.

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CHAPTER

Security Council Mandates, Individual Peacekeeping Mission Planning, and Secretariat Policies

3

> "The provision of protection against violence needs to be incorporated into the concept of peacekeeping operations and clear guidance developed.[1]
>
> —*Under-Secretary-General for Humanitarian Affairs Jan Egeland, to the Security Council, 21 June 2005*

> Nine-tenths of delegations know they're not giving [the Department of Peacekeeping Operations] the resources it needs."[2]
>
> —*Senior official of a leading troop-contributing country*

Introduction

UN Security Council mandates are translated into field missions by the efforts of the UN Secretariat and the contributions of Member States. To understand how Council mandates to protect civilians (as identified in Chapter 2) are manifested in missions, this chapter looks at the UN process that links Council resolutions to field realities in the context of UN policy, preparation, and planning for peacekeeping missions.

Fundamentally, this process, led by the Secretariat, is the initial connection between the Council's desire to influence a conflict and the translation of those ambitions into a multi-dimensional peacekeeping mission in the field. That translation requires that a mission's resources, structure, and operational approach serve the goals set by the Council. Neither the best mandate, nor the best-led mission, is likely to succeed if the operation is not designed and resourced to support its objectives. As mission mandates take shape, protection of civilians (POC) issues—whether in terms of vulnerable populations, physical protection from armed violence, facili-

[1] *Statement by the Under-Secretary-General for Humantarian Affairs, Jan Egeland, to the Security Council on the Protection of Civilians in Armed Conflict,* 21 June 2005.

[2] Author interview, April 2009.

tation of humanitarian assistance, or as the overall result of the mission—are introduced as tasks, objectives, or long-term outcomes.

Planning to protect civilians. Both before and after Security Council authorization of a peace operation, the UN planning process establishes the roles and responsibilities of each component of the mission. Thus, if the planning process is silent or unclear about what kinds of 'protection' will be offered to whom, from what, and within what limits, and the capabilities the mission requires to undertake POC-related tasks, then those in the field are left to sort it out for themselves, and to answer questions from the Council—if asked—about the strategy to carry out the mandate.

Avoiding ad hoc responses—often developed following high-profile attacks on civilians—requires that planning account for the protection challenges a mission is likely to face, how those challenges relate to other mission objectives, and what tools a mission is likely to possess with which to respond. Crafting a coherent approach requires that planners[3] ensure that missions have the authority and capacity to protect, a strategy that accounts for the realities in the field, a knowledge of how to protect civilians, and the willingness to use those tools to good effect. An integral part of that process—developing a strategy; assessing what capacity is required; estimating what tactics are likely to succeed—is the analysis of the threats to civilian security in the area of operations: not just *where* and *when* and *who*, but *why* and *how*. Without such analysis, the elaboration of a clear protection strategy, and the delineation of each mission component's responsibilities for that strategy, missions will not be appropriately resourced to achieve protection goals or to resolve tensions between POC and other mission objectives.

The challenge of leading planning falls primarily to the Department of Peacekeeping Operations (DPKO) and the Department of Field Support. Planning, development, and the management of missions are led by DPKO, and also involves other offices within the Secretariat, such as the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Political Affairs (DPA); actors already in the field, including UN agencies; and the host nation. Understanding this process and the general approach to protection of civilians helps to identify how mandates are—and are not—addressed in individual mission planning (based on available data).

[3] Most civilian staff involved in the planning of peacekeeping missions are not dedicated planners, but rather temporarily seconded from other positions to serve on planning teams.

This chapter. This chapter examines the planning process, which is pivotal to establishing a mission, to see whether and how the protection of civilians is addressed. It begins with a brief survey of the policy framework in which mission planning takes place and then examines the general preparedness—of DPKO, of militaries and police, and of troop-contributing countries (TCCs) and police-contributing countries (PCCs)—for UN missions to address the protection of civilians.

The chapter then looks at the mission planning process, focusing on two aspects. First, it explores the role of the UN Secretariat prior to Council action, in its planning and assessment of protection issues for a new mission to be considered by the Council. This includes examining the integrated mission planning process, using the planning for the UN peacekeeping force in Darfur as an example of that process' application to a mission with a particular focus on POC. Second, this section considers how the Secretariat sets up new operations after the Council issues a peacekeeping mandate to protect civilians, including the creation of critical mission guidance and the generation of forces. Throughout, this chapter identifies the key 'pivot points' at which decisions about mission aims and strategies drive the design for individual missions and their approach to the protection of civilians. Findings are illustrated with examples from various missions, four of which are examined in greater detail in the case studies at the end of this report. (Each case study contains a breakdown of its own mission planning, insofar as available documentation allows.)

Through these two sections, it will become apparent that, despite its best efforts, this study found relatively little documentation of planning for the civilian components of peacekeeping missions. The sparse document trail on the civilian side reflects two issues that are described in detail later in the chapter. First, planning for civilian components is not as systematic and institutionalized as that for the uniformed components. Secondly, it suffers from a significant shortfall in planning resources as compared with military and police components. Thus the comparatively brief discussion of civilian planning in this chapter should not be interpreted as a lack of interest or attention by the study team to the key role that civilians play in crafting and implementing plans to operationalize POC mandates.

The chapter also demonstrates why some challenges identified in Chapter 1, especially the conceptual issues about what protection means, create obstacles to operational planning, particularly for the military and police components. Close examination of the planning process illustrates

why important humanitarian and human rights concepts of protection are not themselves sufficient for, or easily translated into, planning for peacekeeping missions; indeed, they can even run counter to the political aims of the mission.

The policy framework for peacekeeping mission preparation and planning

Especially over the last decade, major studies, including the *Brahimi Report,* the Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change, and the Integrated Mission Study, have identified key reforms to strengthen peacekeeping—reforms that would also provide a firmer foundation for POC efforts of UN peacekeeping missions. Yet none of these major policy reviews has focused on the protection of civilians at any length or offered an over-arching frame for mission planning to take it into account.

Partly in response to those studies, the preparation and planning for peacekeeping missions have evolved over the last decade. Efforts include designing missions to execute multifaceted peacebuilding strategies alongside more traditional security roles; to be more integrated into the UN family of funds, programmes, and agencies in planning and in the field; and to strengthen the capacity of mission components through increased professionalization. These steps also spurred DPKO to begin codifying guidance for peacekeeping, beginning at the strategic level.

The approach to protection and robust peacekeeping

Why guidance was needed. The 2000 publication of the *Brahimi Report* heralded an era of major growth in UN peacekeeping operations. UN-led missions were approved by the Council in surprising numbers, with ambitious mandates, including in Sierra Leone (1999), the Democratic Republic of the Congo (1999), Kosovo (1999), East Timor (1999), Ethiopia–Eritrea (2000), Liberia (2003), Haiti (2004), Côte d'Ivoire (2004), Burundi (2005), Sudan (2005), Timor-Leste (2006), Darfur, Sudan (2007/2008), Lebanon (2007), and Chad–Central African Republic (2007).[4] Many of these missions followed UN-authorized operations led by other actors, such as the French-

[4] This list does not include DPKO-supported special political missions, such as the United Nations Assistance Mission in Afghanistan (UNAMA).

led and the ECOWAS-led missions in Côte d'Ivoire in 2002 and 2003, respectively;[5] the Australian-led intervention in East Timor in 1999; the ECOWAS intervention in Liberia (2003); the African Union (AU) peacekeeping mission in Burundi (2004); and various efforts in both South Sudan and Darfur, including the African Union Mission in Darfur (AMIS).

These missions were largely cast in a new mold, distinct in key areas even from their post-Cold War predecessors during the 1990s. Responding to the reality captured by the *Brahimi Report* that 'United Nations operations [. . .] do not deploy into post-conflict situations so much as they deploy to create such situations',[6] the majority of new UN missions since 1999 were authorized with Chapter VII authority and provided robust rules of engagement (ROE). At the same time, missions were pressed to use a more integrated approach within the UN and with key actors beyond the military and police components, including civilian, humanitarian, and developmental actors in the field.[7] Missions were established primarily in environments with intra-state conflicts with mission mandates to support peacebuilding and the reestablishment of the rule of law, and to help governments become more legitimate and effective.

The nature of modern UN operations pushed DPKO to recruit adequate personnel and support new dimensions of peacekeeping beyond the traditional monitoring and reporting of earlier missions. At the same time, the increased use of Chapter VII mandates and the direction to protect civilians led to the need for more credible and mobile forces. Combined, these demands stretched—indeed, continue to stretch—peacekeeping to its limits.

A more fundamental conundrum emerged as well. As outlined above, UN peace operations were increasingly mandated to assist fragile states emerging from or struggling to end vicious internecine violence, in large part by helping them build their capacity and reestablish control of their territory and resources. Implicit in these mandates was the presumption that the host nation government would be a willing and serious partner. At the same time, missions were also mandated to protect civilians from violent threats, regardless of the source. Thus the Council's intent was often of two minds. While a robust Chapter VII-mandated mission in post-conflict

[5] Both the Licorne and ECOWAS missions in Côte d'Ivoire were authorized by the UN Security Council *after* they deployed.

[6] *Report of the Panel on United Nations Peace Operations,* A/55/305-S/2000/809 of 21 August 2000 *('The Brahimi Report')* ch. II, sec. B, para. 20.

[7] *Report on Integrated Missions* (Eide et al., 2005).

Liberia could simultaneously support development of governance *and* suppress remaining spoilers, the same set of mandated principles and tasks for missions in the DRC and Sudan, where governments were weak or unreliable partners and conflict continued unabated, could not be reconciled into a single coherent approach. The tensions and contradictions created for the mission by sometimes competing imperatives—assisting the government and protecting civilians—has at times led to strategic schizophrenia and paralysis in the face of crises. In such cases, missions have struggled to delineate their role and the limits of their authority and ability to protect civilians, sometimes in lieu of the host state, and sometimes against it. In short, Security Council injunctions to UN missions to protect civilians were insufficient—even incoherent—in some of the worst cases.

Confusion at the strategic level has been compounded by a conceptual and doctrinal void at the operational and tactical levels. Missions are still planned and deployed with little understanding and even less guidance on how to go about protecting civilians, leading to responses with varying levels of effectiveness. The next section will examine what guidance exists, and how it engages with POC issues.

Beginning to develop protection of civilians guidance for peacekeepers. The conceptual gap on protection of civilians is evident in the UN's current guidance for peacekeeping. In general, DPKO develops guidance cautiously, usually drawing heavily on material created by Member States rather than breaking new ground on its own. The 2003 publication of *The Handbook on United Nations Multidimensional Peacekeeping Operations* by DPKO's Best Practices Unit added new guidance for complex operations. However, the *Handbook* largely codified existing practice related to less controversial roles and did not address the protection of civilians 'under imminent threat' or the challenge of providing physical security for the local population, either as a day-to-day matter or in the case of extreme crisis.

Published in 2008, the *UN Capstone Doctrine* went further, addressing the protection of civilians as part of a larger discussion of the basic principles of UN peacekeeping. It talks in broad terms about protection strategies for peacekeeping. Noting that civilians account for the 'vast majority of casualties' in armed conflict, *Capstone* links this trend directly to the protection of civilians in UN operations, pointing out that:

> many civilians are forcibly uprooted within their own countries and have specific vulnerabilities arising from their displacement. As a result, most

> multi-dimensional United Nations peacekeeping operations are now mandated by the Security Council to protect civilians under imminent threat of physical violence.[8]

The Doctrine also argues that protection of civilians requires a joint mission approach:

> The protection of civilians requires concerted and coordinated action among the military, police and civilian components of a United Nations peacekeeping operation and must be mainstreamed into the planning and conduct of its core activities. United Nations humanitarian agencies and non-governmental organization (NGO) partners also undertake a broad range of activities in support of the protection of civilians. Close coordination with these actors is, therefore, essential.[9]

Further, it grappled directly with the protection of civilians in different environments. While UN operations are in principle aimed at supporting implementation of a peace agreement, ceasefire, or peace process, missions are also established to help advance efforts toward peace, or in environments where peace is uncertain (such as the Balkans, the Democratic Republic of the Congo, Sierra Leone, or Sudan) to assist in 'securing the peace process'.[10] In such cases, POC mandates must be applied in environments where the host nation may not be able or willing to protect its own people. The challenge of dealing with host nation forces that threaten civilians raises the issue of the threat or use of force by the mission. On the one hand, *Capstone* linked the effective protection of civilians and deterrence of spoilers to the robust use of force:

> The environments into which United Nations peacekeeping operations are deployed are often characterized by the presence of militias, criminal gangs, and other spoilers who may actively seek to undermine the peace process or pose a threat to the civilian population. In such situations, the Security Council has given United Nations peacekeeping operations 'robust' mandates authorizing them to 'use all necessary means' to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of

[8] *United Nations Peacekeeping Operations: Principles and Guidelines (Capstone Doctrine)* UNDPKO, January 2008, p. 25.

[9] Ibid. (pp. 24–25, 42). This section also discusses civilian casualties from conflict (p. 25). It further states that UNHCR, UNICEF, and Office of the UN High Commissioner for Human Rights (OHCHR) have 'express protection mandates' and are often responsible for coordination of the protection response, such as through the Proection Cluster or a working group.

[10] Ibid. (p. 24).

> physical attack, and/or assist the national authorities in maintaining law and order. By proactively using force in defense of their mandates, these United Nations peacekeeping operations have succeeded in improving the security situation and creating an environment conducive to longer-term peacebuilding in the countries where they are deployed.[11]

On the other, it bracketed that guidance within the boundaries of consent at the strategic level, stating that UN operations:

> [m]ay also use force at the tactical level, with the authorization of the Security Council, to defend themselves and their mandate, particularly in situations where the State is unable to provide security and maintain public order [. . .] although the line between 'robust' peacekeeping and peace enforcement may appear blurred at times, there are important differences between the two. While robust peacekeeping involves the use of force at the tactical level with the consent of the host authorities and/or the main parties to the conflict, peace enforcement may involve the use of force at the strategic or international level, which is normally prohibited for Member States under Article 2(4) of the Charter unless authorized by the Security Council.[12]

Thus the presumption that UN missions work with governments that are primarily responsible for protecting their own people remains a central tenet of UN peacekeeping policy. In the field, though, many governments prove unable or unwilling to provide such protection, giving rise to the conundrum identified earlier and posing difficult questions for missions about the use of force.

Former UN Under-Secretary-General for Peacekeeping Operations Jean-Marie Guéhenno identified the trend towards more robust missions as a key improvement in 2006. But at the start of the AU Mission in Sudan, he warned that Council mandates did not themselves offer an answer on the protection of civilians for peacekeepers. He stated:

> Does that mean we are always as robust as we would like to be? No, because we don't always have enough or the right kinds of military resources. It is fine to have good rules of engagement, but you can't raise the ante beyond the point where you are confident you have the strength to keep the situation under control. You must have a real deterrent capability.[13]

[11] Ibid. (p. 34).

[12] Ibid. (p. 19).

[13] 'The UN Embraces "Robust Peacekeeping," Including Use of Force: A Conversation with Jean-Marie Guéhenno' (*European Affairs*, 2006, p. 19).

Preparedness for missions: generic capabilities and guidance on POC[14]

In general terms, peacekeeping operations are transitioning away from their origins as a military-oriented enterprise led by civilians. However, the uniformed components remain central to UN missions, not least as critical enablers for the work of civilian components. The United Nations has traditionally relied on its Member States to prepare their police and military contingents as future UN peacekeepers. As a result, the broader tools used to translate policy into general practice—doctrine, training, guidance, command and control, intelligence—have not in the past been developed by the UN Secretariat.

Today, that approach is changing, as DPKO has begun to develop guidance, doctrine, training guidelines, and other tools to better prepare mission personnel, including the military and police. Many of these tools have not yet grappled with the protection of civilians as a role for peacekeeping missions, and more specifically for those serving in uniform. The issue is exacerbated by limited national training of uniformed peacekeepers on the protection of civilians as a strategic or operational aim.

Broadly speaking, DPKO (with the Department of Field Support) does not offer guidance to its troop and police contributing nations or for its field missions on what the 'protection of civilians under imminent threat of physical violence'—a regular part of UN mandates for peacekeeping operations—means for planning purposes. This section reviews existing DPKO guidance, the way it considers protection mandates, and elements that may influence that process.

This study found no specific DPKO guidance on how to plan or resource peacekeeping missions with mandates to protect civilians. Individual planners have worked to address mandates that include protection of civilians 'under imminent threat' (see below), but no generalized internal guidance supports planning for that aspect of mandates.[15] Certainly some protection work is supported by the substantive sections within the peacekeeping missions, such as offices dedicated to human rights or the protection of children or women, reinforced by Council resolutions calling for broad action to address such threats, such as resolutions 1325 and 1820.

[14] There is a wealth of information on IHL, human rights, the rule of law, and other aspects involving the protection of civilians for peacekeeping missions, but less about the specific actions military and police actors are expected to take as part of a mission to 'protect civilians under imminent threat of physical violence'.

[15] Nor is it clear from the documents provided to the team whether there is any general planning guidance for civilian protection in other mandated sections.

As cited earlier, *Capstone* addresses protection of civilians in a broad manner. DPKO is now developing follow-on doctrinal sections, however, including guidance on 'cross-cutting' issues, a designation for protection of civilians within the doctrinal development process. The lack of doctrine for missions is in part due to the fact that DPKO seeks to develop guidance in concert with Member States, and few (if any) Member States have addressed protection of civilians from physical violence by peacekeeping missions as a role for militaries and police.

Military preparedness. Military planning for protection of civilians is hampered by the absence of a clear definition in military doctrine in guidance and training for peacekeeping operations. Within military literature and preparation, 'protection' may refer to self-protection or force protection as a goal of a deployment.

Military personnel serving in peacekeeping missions are likely to have some training on their obligations under international humanitarian law (IHL) and human rights law, as well as the obligations and activities of others. Some military personnel perceive the protection of civilians as something that human rights, humanitarian, relief, and other organizations do as part of their missions. Further, military efforts to secure an area or provide support to the civilian population may result in their physical protection, but it is not described as 'protection of civilians' in their doctrinal framework. Even with the growth in peacekeeping operations worldwide, and expanding international efforts to develop training, guidance, and civil–military dialogue, there is a greater emphasis on fostering an understanding among militaries of their role in supporting others as protection actors than there is on clarifying their role in directly protecting civilians through military operations. One result is that military leaders and personnel are unlikely to have a clear idea of what 'protection' means in any formal sense. This view has begun to change, in part due to the rise in training for and awareness of counter-insurgency strategies.

Military leaders serving in UN missions interviewed for this study explained that they are trained to support outcomes defined by political leaders, and then to help achieve those outcomes by developing and implementing strategies. Thus, to support the outcome, they need a definition of what their objective is, namely whom to protect from what. Further, they ask how to establish whether civilians are protected. The commander of a company or a battalion, for example, does not know what 'protect civilians' means at the unit level or what specific actions it entails.

Those leaders also argue that they need to be able to measure progress towards their objectives, but there is no list of specific protection tasks defined within the context of UN missions. Generating such a list may not provide the answer either, though: the routine completion of a list of assigned tasks at the tactical level is unlikely to protect civilians in the face of adaptable perpetrators. The protection of civilians is an intended outcome of a range of military activities, and given the fluid conflict dynamics that UN missions confront, it is not amenable to a checklist approach. Explaining such a holistic approach is the role of doctrine or of the concept of operations (CONOPS).

Nevertheless, common sense plays a useful role in sorting out some of the challenges of language confusion. Many interviewed in peacekeeping operations today understand, in general, that the mission is there to provide support to a process that will reduce violence against the civilian population. The debate is over how to do so, and how active a role the mission can play, especially when the government either fails to take action or is itself a cause of violence.

For peacekeepers, however, it is imperative that clarity be brought to bear in missions. At the very least, uniformed actors need to know who is to be protected from what or whom, and with what means and what backup. The lack of definition may not be intentional, but evidence suggests that the failure to define physical protection continues to undermine missions.

Police preparedness. Individual UN Police personnel tend to be law enforcement officers on active duty in their home country, who have been selected by the Member State for service in a UN peacekeeping operation. The Police Division of DPKO is responsible for coordinating the recruitment and deployment of civilian police officers who meet certain minimum UN standards, which are assessed during a selection process in concert with Member States.[16] As with their military counterparts, police preparedness is similarly hampered by a lack of conceptual clarity regarding the role of police in protecting civilians within UN peacekeeping operations. Police are often expected or implicitly assumed to play a role in the protection of civilians, as they are frequently seen as the primary protection actors at home. Within the context of a peacekeeping operation, however, police operate under different constraints (capacity, guidance, authority), and their role as protection providers has yet to be clearly defined by the

[16] *Handbook on United Nations Multidimensional Peacekeeping Operations,* UNDPKO, December 2003, p. 84.

UN. The role of police in providing physical protection from 'imminent threat of physical violence' is particularly unclear when the police component is operating without an executive mandate.

Training.[17] Training is seen as a Member State responsibility. This means that specific military or police preparation for peacekeeping missions to protect civilians is supposed to take place in coordination with the contributing state, not after arrival in the field.

Most governments do not identify and prepare their national military services for the explicit task of protecting civilians; that is usually seen as the role of police services. Likewise, governments traditionally do not see protection of civilians as the driving goal of a peacekeeping mission, but rather as a possible outcome of other types of operations, including warfighting, evacuation operations, or counterinsurgency. Certainly preparation for UN peacekeeping missions usually is expected to teach the principles of IHL and the Geneva Conventions, and tasks applicable to situations where civilians are at risk. But either as a major task or as the objective of the mission, there is little to show that troop contributing countries frame their standard peacekeeping activities as protection activities or see the protection of civilians as entailing a specific role for the military component of UN peacekeeping missions against which they must train.

Individual police and Formed Police Units (FPUs) often deploy with varying degrees of quality and generally do not arrive in theatre with a clear understanding of their role in the direct protection of civilians. Recently released Police Pre-Deployment Standards training documents explain protection as a stand-alone task relegated to UN Police operating under executive law enforcement authority as well as to FPUs 'as required by specific mandate'.[18] While the inclusion of protection as a task for police in peacekeeping missions makes explicit their role as a protection actor, proper training for that role presupposes a clear idea of what that means in the absence of broader DPKO guidance.[19]

Interviews conducted as part of this study reveal that contingents are not deploying with a clear or standardized concept of what protection of civilians means in a peacekeeping mission. Nor do they offer a standard understanding of its linkage with robust operations or coercive protection

[17] There are numerous UN, multinational and bilateral effort to increase and support training for peacekeeping operations beyond what this chapter can address.

[18] *Core Business of UN Police and Its Key Partners, UN Peacekeeping Deployment Training Standards,* UNDPKO, 2009.

[19] Author interview, UN Police Division, 27 August 2009.

prior to arrival in the mission area.[20] It is thus unclear what goals potential TCCs and PCCs have been asked to prepare their forces to achieve; whether potential mission aims have been articulated in relation to the protection of civilians; and at what stage in the negotiation between the contributing country and the United Nations this issue has been addressed.

Neither TCCs nor PCCs nor their forces reported that the protection of civilians is specifically discussed as an operational requirement in advance of a mission. This seems to suggest that, until recently, neither DPKO nor the main troop contributing countries have seen it as a unique aspect of the future operation. A notable exception is a recently developed MONUC briefing packet for TCCs that begins to address this gap. Overall, this study was not able to find evidence of requests from DPKO or peacekeeping missions to TCCs or PCCs for specific preparation of their contingents regarding their POC role. This raises the question as to whether contingents receive any such preparation.

All of these challenges can be overcome, however, with commitment. Some issues revolve around language and what is meant by 'protection' as a task or objective. Others can be addressed by strong field leadership and mission-level priority setting that can offer clarity about the overall objectives and how contingents work to support those goals. But these structural issues reduce a mission's ability to implement mandates. A great deal of effort may be required to overcome them in the field, and they can prove to be major obstacles in the planning and management process. In short, missions need to have the authority, capacity, willingness, and knowledge about what protection means—the basis for carrying out a protection strategy.

The mission planning process

Planning for UN peacekeeping operations is a complex process. While some aspects have changed significantly over the last decade, others have remained remarkably consistent. While missions have considerable autonomy once they reach the field, the conceptual underpinnings, strategic goals, political guidance, and capabilities with which they deploy are largely determined by planning at UN headquarters. Thus a review of the

[20] This is true even in MONUC and UNAMID. One contingent had just completed six months of pre-deployment training, but the officers reported that the training did not cover the protection of civilians aspect of the mandate.

planning process can help explain the approaches that UN peacekeeping operations adopt to address the protection of civilians.

The following section briefly describes the generic planning process leading to Security Council authorization of mandates before and after the 2006 adoption of the Integrated Mission Planning Process (IMPP). It then turns to the use of the IMPP for the African Union/United Nations Hybrid Operation in Darfur (UNAMID) to demonstrate how a modern peacekeeping mission is planned when POC is an explicitly articulated strategic objective. Finally, this section considers the evidence of POC in the planning processes of other missions that have been mandated to protect civilians and identifies key points at which POC should be addressed to improve its operationalization.

Mission planning and assumptions

Planning assumptions take shape well before Security Council authorization for a mission—in peace agreements, informal consultations, and the Secretary-General's reports, which directly inform the Council's understanding of the conflict and of the potential role for a UN operation. Such planning does not take place in a vacuum: frequent consultations with Council members, key Member States, potential TCCs and PCCs, the Secretariat, other UN agencies and programmes, and the host nation all help define early conceptions of the size, posture, and nature of a future UN mission. While planners try to assess the nature of the conflict and the UN role, they are subject to strong influences that shape the analysis they eventually provide to the Secretary-General and the Council.[21]

This study found no evidence of an agreed concept of the protection of civilians used in planning for UN peacekeeping. Many interviewees agreed that analysis and assumptions made early in the planning for a future mission would impact the mission's POC approach, as demonstrated by the response of the UN Mission in Sudan (UNMIS) to attacks by the Lord's Resistance Army rebel group and the 2008 crisis in Abyei, Sudan, or MONUC's response to the 2002 Kisangani massacre.[22] Questions about who may threaten whom and the likely situation when the mission deploys drive how planners interpret and describe the political–military dynamics

[21] The planning for UNAMID is one clear example: the Darfur Peace Agreement was the basis for planning even as though it was perceived to be failing by July 2006.

[22] See the case studies on UNMIS and MONUC for further details.

of the conflict, the shape and size of a potential UN mission, and the kind of mandate it will require to stabilize the country in question.

Thus, the question is not just whether protection of civilians issues are considered in planning, but how they are identified and framed. Are threats to civilian security considered as just a symptom of conflict, or a cause of the conflict, or a means of belligerents to win some advantage? Is such violence ongoing, unpredictable, or unlikely to resume? Is violence used by parties to the peace agreement or by those who are outside the settlement? Such questions should drive whether and how protection of civilians must be accounted for in the political–military stabilization strategy that forms the core of most missions.[23]

Conversely, the protection of civilians may be perceived as a humanitarian or human rights issue, primarily dealt with by OCHA, UN agencies, their NGO partners, and the civilian components of the mission, with support from the political, military, and police components when they are not preoccupied with the mission's core objectives. Regardless of whether POC is considered a core objective for the entire mission or primarily a humanitarian concern, the mission must also grapple with how to reconcile it with other objectives and political realities. How POC issues are addressed by mission planners—albeit in consultation with Council members, the host nation, and various other actors inside and outside of the UN system ahead of Security Council authorization—directly informs the mandate the Council eventually provides.

Pre-mandate planning before IMPP.[24] Prior to the first effort at implementing the IMPP in 2006, UN planning for peacekeeping operations was largely ad hoc. Generally, the Secretariat would respond to early indications that a mission might be authorized, such as deliberations in the Security Council, the signing of a peace deal, or requests from Member States or regional organizations. Whatever the indication, DPKO would usually consult with the DPA, OCHA/the Department of Humanitarian Affairs[25],

[23] For a description of such dynamics, see 'The Security Dilemma and Ethnic Conflict' (Posen, 1993) and *The Warrior's Honour: Ethnic War and the Modern Conscience* (Ignatieff, 1999).

[24] There may be repercussions for POC in missions that evolve from prior missions, including ionally led operations that get 'blue-hatted' or a transition to a UN mission (such as ECOWAS or the AU); following interventions by developed states (such as Artemis in the DRC or the United States in Haiti); or when a humanitarian emergency is a major driver (as in Darfur).

[25] Pursuant to General Assembly resolution 46/182 and the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" (A/51/950), the Department of Humanitarian Affairs was replaced by the Office of the Emergency Relief Coordinator, which then became the Office for the Coordination of Humanitarian Affairs (OCHA) in 1998. (Also see the Secretary-General's Bulletins ST/SGB/1997/5 dated 12 September 1997, and ST/SGB/1999/8 dated 22 June 1999).

and other actors and provide the Secretary-General with an assessment of whether the situation was appropriate for a peacekeeping mission, and various options for UN engagement.[26] The Secretary-General would then consider the assessment and consult with the Security Council, and on that basis either halt or authorize further planning.

If planning continued, the Military Planning Service (MPS) of DPKO would consult with potential troop contributing countries and other key states and draft a very brief CONOPS based on the general political guidance they received. Early draft CONOPS were often distributed up the UN management chain to ensure political buy-in from the earliest stages, and once assured of some consensus, MPS would dispatch a small assessment team to the mission area.

The assessment teams would be drawn primarily from the MPS—a unit composed of military planners despite its responsibility for all mission planning—with other departments deemed relevant, or willing and available to participate. The assessments often lacked coherence, however, as noted in the *Brahimi Report*:

> Collaboration across divisions, departments and agencies does occur, but relies too heavily on personal networks and ad hoc support. There are task forces convened for planning major peacekeeping operations, pulling together various parts of the system, but they function more as sounding boards than executive bodies. Moreover, current task forces tend to meet infrequently or even disperse once an operation has begun to deploy, and well before it has fully deployed.[27]

A full analysis of how all missions have been planned is beyond the scope of this report, but it is clear there is a wide range of models and experiences. In 1999, for example, MONUC was conceived as a military observer mission, and the team consisted entirely of military planners with little if any input from humanitarian or development sources. In contrast, during a highly abbreviated planning process for the UN Transitional Administration in East Timor (UNTAET), the UN mission that followed the Australian-led intervention in 1999, coordination and information sharing between DPA and DPKO was poor, and the World Bank led the assessment team.[28]

[26] 'The Structure, Planning and Execution of UN Peace Operations' (Voetmann, 1997).

[27] *Report of the Panel on United Nations Peace Operations*, A/55/305-S/2000/809 of 21 August 2000 *('The Brahimi Report')* p.35, para. 200.

[28] Interviews with UN officials conducted by Dr. William Durch, Stimson Center, for the *Brahimi Report*.

Between these extremes of interagency cooperation, planning for UNMIS began nearly a year prior to its deployment with the UN Advance Mission to Sudan (UNAMIS). UNAMIS was designed to build on the momentum of the peace talks between the Government of Sudan (GoS) and the Sudanese People's Liberation Movement (SPLM) to lay the groundwork for a future peacekeeping operation. Jan Pronk was appointed Special Representative for the Sudan and, along with two Deputy Special Representatives, a Military Adviser, and a supporting multidisciplinary UN team, participated in the final stages of the Naivasha peace talks to ensure compatibility between the Comprehensive Peace Agreement (CPA) and an expanded UN operation in Sudan. Pronk also worked closely with the UN Country Team (UNCT) to develop a unified structure, with a focus on supporting CPA implementation. This example of highly integrated planning for a UN mission with substantial lead-time and involvement in the negotiations and drafting of the peace agreement was a marked exception to the general pattern before the introduction of the IMPP in 2006.

While prior to 2006 early planning processes for UN missions varied, they each culminated in the creation of a report to the Secretary-General that included a summary of the political and military situations (at least); a broad outline of possible mission structures; the number of troops, military observers, and police required; and an estimate of the costs for each option. The Secretary-General drew on these options, recommendations, and information to develop the mission structure and mandate he proposed in his report to the Security Council. The ad hoc approach to early planning was widely regarded as insufficient for modern multi-dimensional UN peacekeeping operations, as it largely excluded important voices and actors. Humanitarian, human rights, and development actors such as OCHA, UNICEF, UNHCR, and Office of the United Nations High Commissioner for Human Rights (OHCHR) were not involved in planning despite their often extensive presence on the ground, their knowledge of the country in question, and the assumption that they would act as partners once the mission deployed. At a minimum, they represented an untapped resource, and at worst the mission and its partners found themselves working at cross-purposes, undermining each other's effectiveness.

The need for a different approach was first identified in the Secretary-General's 1997 report, *Renewing the United Nations: A Programme for Reform,* and reiterated in the 2000 *Brahimi Report*:[29]

[29] *Report on Integrated Missions: Practical Perspectives and Recommendations* (Eide et al., 2005).

> DPA, UNDP, OCHA, UNHCR, OHCHR, [the Department of Public Information], and several other departments, agencies, funds and programmes have an increasingly important role to play in planning for any future operation, especially complex operations, and need to be formally included in the planning process.[30]

The Integrated Mission Planning Process. UN mission planning has undergone significant revision with the concept of integration and with the introduction of the IMPP. Designed as part of a shift towards the multi-dimensional missions required to address complex civil conflicts, the concept was to introduce mechanisms to coordinate political, military, police, humanitarian, and development actors who shared broad goals but often worked at cross-purposes, duplicated efforts, or failed to act synergistically in the field. In particular, the IMPP was designed to institutionalize the planning process, incorporating the knowledge and input of various UN actors who would work either as part of or alongside peacekeeping missions once they deployed (see Figure 1).

The first step towards formal integration was the Secretary-General's *Note of Guidance* in 2000, which sought to clarify the SRSG's role as establishing 'the political framework for, and provid[ing] overarching leadership to, the UN team in country' and to improve coordination and information sharing between the SRSG and the Resident Coordinators and Humanitarian Coordinators (heads of the development and humanitarian communities, respectively) for the purposes of creating a coherent UN approach in any given country.[31] It also directed creation of Integrated Mission Task Forces (IMTFs) to integrate the planning and conduct of future UN peacekeeping operations.

Six years later, the IMPP Guidelines were endorsed by the Secretary-General as 'the authoritative basis for the planning of all new integrated missions, as well as the revision of existing integration mission plans for all UN departments, offices, agencies, funds, and programmes'.[32] The IMPP process found its first application during the planning for UNAMID, and subsequently the UN Mission in the Central African Republic and Chad (MINURCAT).[33]

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[30] *Report of the Panel on United Nations Peace Operations*, A/55/305-S/2000/809 of 21 August 2000 *('The Brahimi Report')* p.35, para. 199.

[31] *Note of Guidance of the Secretary-General on Relations between Representatives of the Secretary-General, Resident Coordinators and Humanitarian Coordinators*, 30 October 2000.

[32] *Note of Guidance of the Secretary-General on Integrated Missions,* 17 January 2006, p. 2, para. 1.

[33] *Note of Guidanceof the Secretary-General on Integrated Missions,* 17 January 2006; author interview, United Nations official, 7 May 2009.

Current planning: the IMPP. Looking at the mission planning process—both before and after Council mandates are issued—reveals how mandated protection activities are considered in the planning of peacekeeping operations. Given the emphasis on both protection from imminent threat of physical violence as well as the mandates to protect civilians from sexual and gender-based violence and to protect vulnerable groups such as women and children, the IMPP framework is a roadmap to see how mission planning takes into account mandate elements such as the protection of civilians.

At the same time, it is important to note that the process is still new. In practice, planning does not entirely reflect the IMPP as described in written guidance, or in this report. As stated above, the IMPP has only been used as the planning framework for two missions to date: UNAMID and MINURCAT. Further, the IMPP Guidelines are explicitly meant to be applied 'in a flexible manner' to account for varying circumstances and timeframes, making the IMPP an idealized model rather than a precise description of how planning actually unfolds.

The *Strategic Assessment* can be triggered by a dramatic contextual change in the country or the lack of a common UN strategic vision (see Box 1). In addition, it can be initiated if there is an expectation that the Security Council will authorize a mission generated by Council deliberations over a possible UN operation; a request from the Peacebuilding Commission, Member State, or regional organization to consider a mission; or the anticipated signing of a peace agreement with implications for the United Nations. The first step is the creation of an Integrated Task Force (ITF), led by the Department of Political Affairs,[34] unless one already exists. With representatives of relevant UN departments and agencies, as well as the UNCT if one exists, the ITF produces the Strategic Assessment. This short document outlines possible strategic objectives for the UN in a given country, the alternative strategies and scenarios for the UN role, key planning assumptions, and factors that shape UN involvement. It also recommends whether to maintain the status quo or change the UN strategy. Based on the Strategic Assessment, the Secretary-General decides whether to develop an option for the Security Council. If so, the Secretary-General

[34] *United Nations Integrated Mission Planning Process (IMPP) Guidelines*, 13 June 2006, p. 14; *IMPP Guidelines: Role of the Headquarters,* May 2009, p. 4, paras. 10–11; and *Guidelines: UN Strategic Assessment,* May, 2009, p. 6, para. 15. Note that there is some discrepancy between documents as to whether DPA-led ITFs are always responsible for leading *Strategic Assessments*. Both the 2006 *IMPP Guidelines* and the 2009 *IMPP Guidelines* suggest that DPA-led IMTFs are envisioned as the norm; however, the 2009 *Guidelines–UN Strategic Assessment* imply that either a DPA-led ITF or a DPKO-led IMTF can play this role.

Box 1

Pivot point:
The Strategic Assessment

If a decision is taken to deploy a UN peacekeeping operation, the Strategic Assessment forms the foundation for all subsequent planning and is the first joint analysis produced of the root causes and current drivers of a conflict. While protection of civilians issues will not be relevant for all prospective UN missions, a major piece of the puzzle may be missing from subsequent analysis and planning if they are not considered at this first step.

Box 2

Pivot point:
The Under-Secretary-General's Planning Directive

The USG's Planning Directive forms the basis for operational planning for UN peacekeeping operations. It considers the scenarios that might develop in the conflict, identifies which are permissive for the deployment of a UN mission, and directs planners to develop options accordingly. It also describes the constraints on a potential mission that planners must take into consideration when developing those options. Where systematic or widespread violence against civilians is a feature of the conflict, its impact—including the potential for rapid escalation—should be incorporated into subsequent planning. Otherwise, missions may be deployed into situations neither they nor the Security Council contemplated.

selects which option for UN engagement to develop further, whether through appointment of a Special Envoy or deployment of a peacekeeping or special political mission. If the Secretary-General decides to proceed with planning a peace support operation, the ITF becomes an Integrated Mission Task Force[35] and reports to DPKO. The Secretary-General issues a Strategic Planning Directive prepared by the IMTF that identifies the strategic objectives and key assumptions around which subsequent mission planning is shaped (see Box 2).

After the Strategic Planning Directive is issued, the IMTF prepares the Under-Secretary-General's (USG) *Planning Directive* as the basis for operational planning (see Box 2). The IMTF generates a Draft Mission Plan (sometimes called a Framework Plan) in preparation for a Technical Assessment Mission (TAM), which spends up to two weeks in the region assessing the conditions and consulting with parties to the conflict, host nation officials, humanitarian actors, the UNCT, conflict-affected populations, civil society, NGOs, and international financial institutions, as appropriate (see Box 3). The TAM also assesses logistics and mission

[35] While broadly serving the same purpose, DPA-led task forces are known as ITFs and DPKO-led task forces as IMTFs.

Box 3

Pivot point:
The TAM Report and the Secretary-General's Report to the Security Council

The *TAM Report* represents a singular opportunity for the IMTF to see how well their draft plans fit reality. The TAM has a chance to gather information about the conflict first hand, providing a chance to correct course if the planning process has somehow missed an important aspect of the conflict. The *TAM Report* also forms the basis for the *Secretary-General's Report* to the Security Council, which usually shapes the Council mandate and, therefore, the foundation of the entire mission. TAMs should investigate current or potential violence against civilians, how it relates to the dynamics of the conflict the mission will be deployed to help resolve, and what the mission will require to address that violence. Doing so will ensure that the options presented to the Council reflect the realities on the ground.

support issues. The result is a revised Draft Mission Plan, and the TAM issues a report outlining the conflict situation and proposing a mandate, mission structure, and broad operational concept outlining the role of each mission component. The TAM report is the basis for the Secretary-General's report to the Security Council.[36]

During its deliberations, the Council is often briefed by various UN offices, and may consult informally with other experts. Frequently the Council will accept the Secretary-General's recommendations regarding the mandate, size, and structure of the mission. When it chooses to alter key aspects, however, there can be wide mismatches between the mandate and the mission's structure, capacity, and concept if the Draft Mission Plan is not correspondingly revised. For example, the Council included a clause on the protection of civilians in the inaugural mandate of UNMIS.[37] While the rest of the mandate was provided under Chapter VI in line with the Secretary-General's recommendation, the Council added language under Chapter VII directing the mission to protect civilians under imminent threat.[38] Neither the Council nor the Secretariat sought a corresponding alteration of the mission structure, capacity, or strategy, however, to define or fulfil that role. The lack of corresponding guidance and

[36] The Secretary-General's report is drafted by the IMTF and presented to the Council for its consideration.

[37] United Nations Security Council Resolution S/RES/1590 of 25 March 2005.

[38] Ibid. (para. 16): '*Acting* under Chapter VII of the Charter of the United Nations, (i) *Decides* that UNMIS is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence.'

adjustments to the mission flowing from the Council's mandate to protect civilians were brought into stark relief during subsequent crises, such as the May 2008 fighting in Abyei, Sudan, in which civilians were attacked (see below).

The Council's mandate for a peacekeeping mission is a major milestone in the planning process. Following passage of the Security Council resolution, the IMTF drafts the *Directive to the SRSG,* bestowing authority on the SRSG for shaping and leading the mission. The SRSG in turn convenes an Integrated Mission Planning Team (IMPT) that takes over planning from the IMTF, and whose personnel eventually deploy with the mission, if they are not already in country as part of the UNCT. From this point forward, the SRSG and the IMPT play the primary role in shaping the mission, rather than staff at UN headquarters.

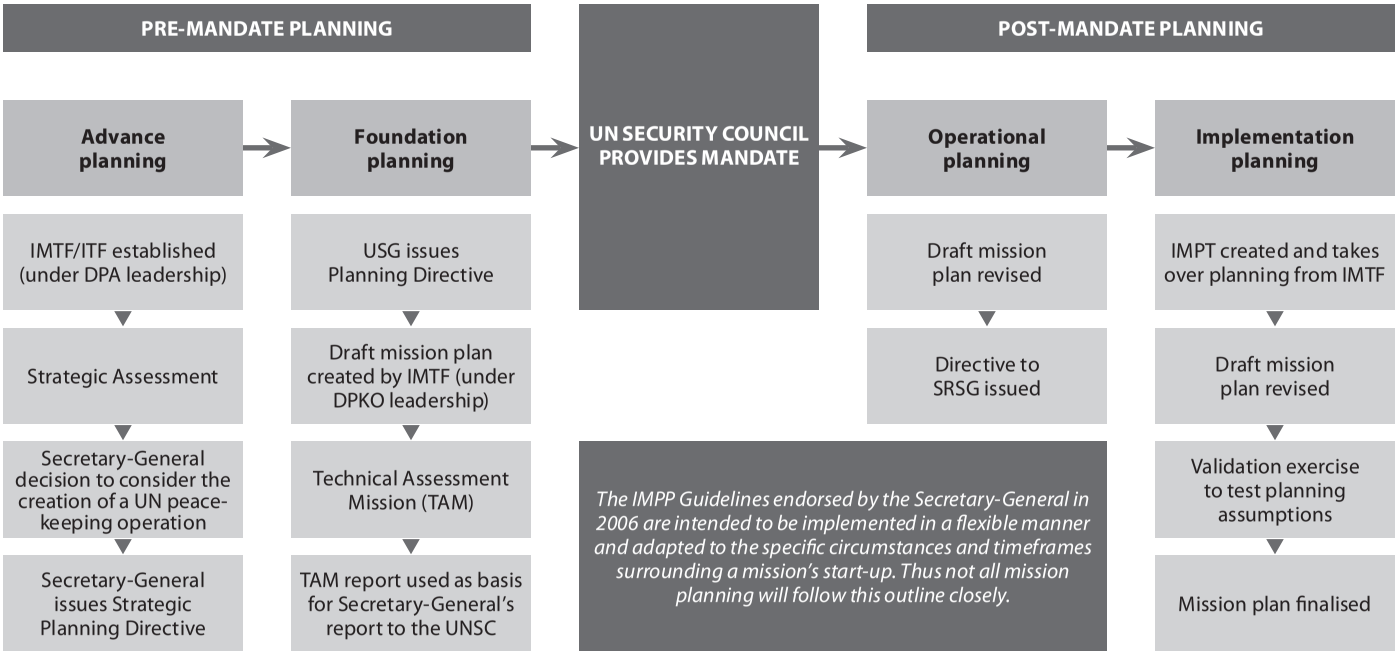
While the military and political components have always been central to the peacekeeping planning process, the role of other components has grown in recent years, institutionalized to some extent by the introduction of the IMPP. Even before the IMPP was introduced, the UN Police Division, was reasonably involved in meetings during the early stages of the mission planning process, and continues to be under the new process. Under the IMPP framework, missions that are considering the deployment of a police component include a member of the UN Police Division in the IMTF, and staff from Office of the Rule of Law and Security Institutions/ DPKO who represent the Police Division on the TAM.

Participation by other components of the mission—civil affairs, public information, human rights, rule of law, staff security, disarmament, demobilization, and reintegration, gender, and mine action—along with representatives of other UN agencies, funds, and programmes (such as OCHA, UNHCR, UNICEF, the World Food Programme (WFP), and OHCHR) has improved with the introduction of the IMPP. In its first application, the IMPP was noted for achieving 'good integration between civilian and military planners', ensuring that planners leveraged the in-depth knowledge of UN Country Team members, and bringing 'an unprecedented inclusiveness to the planning process'.[39] However, as described in greater detail in the next section, issues remain.

Neither integration nor the IMPP are panaceas for the shortcomings in UN planning that prompted their adoption, nor have they addressed

[39] *Darfur Planning Process (HQ Team) After-Action Review.* Best Practices Section, UNDPKO, October–December 2006, pp. 3-4.

Figure 1 Outline of the Integrated Mission Planning Process



Sources:

1) *Functions and Organization of Formed Police Units in United Nations Peacekeeping Operations*, UNDPKO, 9 November 2006.

2) *Core Business of UN Police and Its Key Partners*, UN Peacekeeping Pre-Deployment Training Standards, 2009.

civilian insecurity in peacekeeping missions. A 2007 audit by the UN Office of Internal Oversight Services concluded that the IMTF—the central planning body of the IMPP—functions 'well only as an information exchange and has been less successful as a strategic planning and management mechanism'.[40] Here the example of UNAMID is instructive, given the heavy emphasis on the mission's role in protecting civilians.

Planning for protection: the case of Darfur (UNAMID)

More clearly than any other UN peacekeeping mission, the expectation for a UN operation in Darfur was that it would protect civilians. The levels of violence and displacement witnessed in the region, the challenges facing the African Union Mission in Sudan, and the deliberations within the Security Council over the mission made protection a clear aim. By June 2006, OCHA reported that close to two million internally displaced persons (IDPs) were relying on humanitarian aid. UNAMID was designed with a mandate that encompassed the prevention of attacks against civilians; facilitation of refugee and IDP returns; protection of women, children, and other 'vulnerable groups'; protection of UN personnel and humanitarian workers; and facilitation of humanitarian access through improved security. This review of key steps in the planning process for UNAMID is a useful illustration of how the mandate evolved to include the protection of civilians, and how the planning process accounted for that role in mission concept, design and resource requirements.

In some respects, planning for UNAMID followed an unusual path. First, the UN mission in Darfur was initially envisioned as an expansion of the UNMIS peacekeeping mission in Southern Sudan. Second, intense international attention was fixed on the humanitarian crisis in Darfur, as well as the ongoing conflict in the region. Third, the planning was coordinated with the African Union, which had its own existing peacekeeping mission, AMIS, and was critical to the politics. Finally, the relationship with the GoS was very difficult, making the premise of consent uncertain.

The first round: planning for an expanded UNMIS. Planning for UN peacekeeping in Darfur began in April 2006 after the Secretary-General's Planning Directive was issued in March 2006.[41] From the outset, the process

[40] *Report of the Office of Internal Oversight Servicesto the United Nations General Assembly on the Audit of the Management Structures of the Department of Peacekeeping Operations*, A/61/743 of 14 February 2007.

[41] No Strategic Assessment took place in the case of Darfur. Author interview, UN official, 6 May 2009.

was integrated, involving not only OCHA, but also UNICEF, WFP, UNHCR, the UN Development Programme, OHCHR, the UN Department of Safety and Security (UNDSS), the Department of Public Information (DPI), and DPA. Some agency delegates went to New York from Sudan to participate. Considerable differences in perspective had to be addressed, on both substantive and structural issues.[42] A Framework Plan (FP) was drafted but never finalized, despite repeated rounds of consultations.

In June 2006, the UN–AU Joint Technical Assessment Mission (TAM) was led by Under Secretary-General Jean-Marie Guéhenno and AU Peace and Security Commissioner Said Djinnit. With the expectation that UNMIS would expand into Darfur, UNMIS officials had considerable input into the planning process and the TAM, notably including the UNMIS Protection of Civilians Unit, a civilian section largely focused on the coordination of humanitarian protection activities.

From the beginning, the protection of civilians was an unambiguous goal, as seen by the two strategic objectives in the Secretary-General's Planning Directive:

> In his 3 March 2006 directive, the Secretary-General established two strategic objectives for a United Nations peace support operation in Darfur: first, to contribute to the creation of an environment conducive to national reconciliation and lasting peace and stability in a prosperous and united Sudan, where human rights are respected, the protection of all citizens assured, and internally displaced persons and refugees can return home in safety and dignity; and, second, to contribute to the protection of civilians at risk.[43]

This emphasis was reflected throughout the Framework Plan, and specifically addressed as a 'Strategic Objective and Mission Aim':

> Subject to the definition of the UN role in a mandate issued by the Security Council, specific objectives for the United Nations operation in Darfur would include, *inter alia,* assisting the parties in restoring and maintaining a secure environment across Darfur and ending attacks against civilians; assisting local authorities in strengthening institutions for the protection of civilians, including restructuring and development of local police; and facilitating the maintenance of humanitarian operations and the provision of basic services.[44]

[42] A 2006 UNHCR comment on the Framework Plan argues that the roles of the Human Rights Protection and Protection of Civilians components are in fact the same and should be under one component, not two. Document with authors.

[43] *Darfur Planning Process (HQ Team) After-Action Review.* Best Practices Section, UNDPKO, October–December 2006, p. 7.

[44] Ibid. (p. 8).

POC was identified as only one of several mission objectives for the new operation. In particular, the mission was seen as being tasked to address the current conflict and end attacks against civilians *and* address post-conflict support to the host nation's capacities *and* improve security conditions to facilitate humanitarian activities all at once. This ambition continued through the Framework Plan's discussion of specific capacities, particularly for the military, police, and physical protection components.[45] Priorities included a mobile force prepared to address spoiler activity, respond rapidly, and prepare to support protection of the civilian population and IDP camps across a wide area.

For the military component, 'protection' was listed as one of three core capabilities and described as requiring a rapid response capacity and the willingness to confront spoilers robustly to secure the population. For the police, the role of the FPUs was partly described as providing security within IDP camps.[46] Finally, for the Protection of Civilians Unit, the FP elaborated a monitoring, liaison, and coordination role, including joint analysis of patterns of violence against civilians and warning for potential impending attacks.[47] The FP *also* recommended that a mechanism be created in the Joint Mission Analysis Cell (JMAC) or the Joint Operations Centre (JOC) to handle the analysis, warning, and coordination functions, along with prioritization of tasks and allocation of mission resources.[48] The document thus seems to assign the same function to two units—one military and one humanitarian.[49] This perhaps points to a tension at this stage between the humanitarian components of the mission—including the POC Unit—which were strong advocates of the protection of civilians, including physical protection—and the military and police components, which were envisioned as being primarily responsible for directly protecting civilians from attack.

[45] Ibid. (pp. 20–25). It also said, 'The *Protection* element will consist of highly mobile Companies in the formed Infantry Battalions. The Force lay down will include the dispersion of Company sites to allow greater area coverage. For the protection element to be effective, it must have a rapid response capacity and be ready to act robustly towards spoiler activity. Utility [and Attack] aviation will be central to this [pending GoS approval]. The protection element will focus on large population concentrations and on IDP camps, their environs, major areas of insecurity, and other strategic areas deemed essential to expanding area security. The UN Mission will thus expand its area of influence and contribute effectively to the protection of civilians and the implementation of the DPA.'

[46] Ibid. (p. 24). 'Tasks envisaged for Formed Police Units include: [. . .] Collaborate with military and humanitarian agencies in the provision of protection in IDP camps and threatened locations, and, using all necessary means, act to protect civilians under imminent threat.'

[47] Ibid. (p. 32).

[48] Ibid. (p. 17).

[49] Ibid. (p. 30). In the Framework Plan, the UNMIS Protection of Civilians Unit is categorized as a 'Humanitarian/Recovery Element' as opposed to a 'Political Element'. This reflects its reporting line through the DSRSG/Resident Coordinator/Humanitarian Coordinator of UNMIS, rather than the Principal DSRSG.

Box 4

A role for uniformed peacekeepers: POC-related questions used in planning for the mission in Darfur

While few UN peacekeeping missions have clearly identified tasks for uniformed peacekeepers, the planning for the expansion of UNMIS into Darfur, Sudan, included questions that identified the threats and vulnerabilities of the civilian population and potential roles for the uniformed components of the mission to provide support to vulnerable civilians. Excerpts include the direction to conduct the following:

- Detailed threat assessment and information on locations and intentions of the parties
- Establish and assess the degree of compliance to the DPA, by party and location, to build a 'DPA compliance' map of Darfur
- Detailed information on the humanitarian protection requirement (e.g., likely areas to be attacked, areas of returns and key IDP camps)
- Migration Routes
- How to strike the right balance between ground/air rapid reaction forces
- How to strike the right balance between the desire to cover the whole territory and the need to concentrate on major population and IDP areas
- How to rebuild a working relationship and share information between the military and the humanitarian community
- The best way of cooperation/integration between UN military and police elements
- Prioritization of protections tasks related to IDP camps (ref OCHA; e.g., likely areas to be attacked, areas of returns and key IDP camps)
- How to deal with outbreaks of violence in IDP Camps; legality, military involvement, riot control, cooperation with UN Police, Sudanese Security Sector
- In which IDP camps is there perceived to be a threat of violence/are there known to be weapons?
- How to protect 'temporary returns' due to seasonal, nomadic migration or other factors
- Assess risks related to misconduct in particular sexual exploitation and abuse (SEA) and preventative measures to combat risks, e.g. selling rations in exchange for sex; location of troops in relation to the vulnerable populations/refugee camps.

Source: Darfur Planning Process (HQ Team) After-Action Review (UNDPKO, 2006c)

Tensions also existed between the imperative for the military to protect civilians impartially on the one hand, and the political necessity of working with the GoS on the other, as evinced in the excerpt below:

> Early forceful action in response to attacks on civilians, both in IDP camps and in villages, towns and rural areas, is critical to establishing the Mission's credibility and to enhancing its deterrent effect. At the same time, efforts will be made to ensure that protection is provided, and is perceived as being provided, in a neutral and impartial manner. Establishing relationships with all key groups is critical in this regard. Given the Government's primary responsibility for the protection of civilians, the relationship with the authori-

> ties, particularly the military and the police, is fundamental to the sustainability of the Mission's protection efforts.[50]

The FP refers to draft CONOPS for both the military and police components, and presents options for various sizes and structures of those components depending upon two factors: the situation on the ground and the nature of the assets available to the mission.

The FP also helped the Technical Assessment Mission crystallize key unanswered questions for each mission component to address during their time in Sudan in preparation for the next planning phase. As notable consequences of the centrality of POC to the mission at this stage, roughly one-third of the military component's questions were directly related to protection (see Box 4), and training on the unique requirements of protection of civilians was envisioned for military and police personnel deployed both in contingents and as headquarters staff.[51]

The June 2006 *TAM Report* described the politics and the situation on the ground, identified ways to strengthen AMIS, and extended the vision of the mission articulated in the Framework Plan.[52] Continuing the emphasis on protection of civilians that began with the Secretary-General's Planning Directive, the report proposed specific mandate language—including POC language, briefly laid out the role of most mission components, and highlighted the logistical, political, and capacity challenges that would have to be addressed for the mission to deploy.

Challenges of designing protection in peacekeeping. As drafting began for the Secretary-General's report proposing the mission, however, new issues arose. In particular, UNMIS personnel warned that baseline assumptions about the viability of the Darfur Peace Agreement (DPA) and the potential AMIS role were invalid just a month after the TAM's visit.[53] In addition, humanitarian voices sought to modify the mission's overarching focus on the protection of civilians in the Secretary-General's report in two ways. First, they sought to change 'protect civilians from harm' to 'protect

[50] Ibid. (p. 17).

[51] Ibid. (pp. 36, 41) described in greater detail.

[52] *AU–UN Technical Assessment Mission: Troops-to-Task for Darfur,* UNDPKO, June 2006. Note that the TAM was fully integrated. The team from UN Headquarters was composed of personnel from Political Affairs (5), the military (2), the police (3), the Office of Mission Support (8), UNDSS (1), DPI (1), Best Practices (1 DDR and 1 Gender), OCHA (1), and UNDP (1 from Geneva) as well as representatives of UNDP, OHCHR, UNICEF, WFP, UNHCR; roughly 30 UNMIS staff; 10–15 AU staff participated.

[53] *Note to SRSG on 13 July Draft of Secretary-General's Report on Darfur Transition*, 16 July 2007. Confidential memo on file with authors.

civilians' to reflect a wider conception of the protection of civilians than solely from violent threats. Second, they requested removing the reference to working closely with the GoS to achieve the mission's protection goals. They were successful in the first instance, but not the second, and the assumptions about DPA and AMIS remained central to the mission proposed in the Secretary-General's report of 28 July 2006.[54] Both proposals aimed at reducing the impact of the caveats that the Council usually includes in POC mandate language—caveats that narrow the range of protection of civilians activities the mission is responsible for undertaking, particularly with regard to the physical protection aspects that fall primarily to the military and sometimes police components.

In late August, the Security Council approved the expansion of UNMIS into Darfur along the lines proposed in the Secretary-General's report to create a mission that would have protection as its overarching objective.[55]

That expansion of UNMIS into Darfur never took place, however, due to the Government of Sudan's opposition. In its report, the TAM had noted the GoS's consistent refusal to consider a transition from AMIS to a UN mission, but planning had nonetheless continued for that transition. On 31 August 2006, the Security Council passed resolution 1706 (2006) authorizing the planned expansion of UNMIS into Darfur in line with the vision laid out in the TAM report. However, the resolution passed with three abstentions (China, the Russian Federation, and Qatar), and neither the Council nor other interlocutors were able to change the Sudanese Government's position in the following months.

Negotiations led to renewed planning, this time for the joint AU–UN mission known as UNAMID.[56] Diverging once again from the linear progression envisioned in the IMPP, the AU and UN agreed on a framework for a hybrid operation and dispatched a Quick Review Mission (QRM) to Darfur in early February 2007 to update the 2006 TAM report. The QRM report largely reaffirmed the TAM's earlier findings but described a deterioration of the security situation and a need for more troops and police than envisioned in the first round of planning for an expanded UNMIS. While noting delays in the implementation of the DPA and disputes among rebel groups over its adequacy, the QRM was constrained by high-level

[54] *Report of the Secretary-General to the Security Council on Darfur,* S/2006/591 of 28 July 2006.

[55] United Nations Security Council Resolution S/RES/1706 of 31 August 2006.

[56] See *Military–Strategic Concept of Operations for the African Union/United Nations Hybrid Operation in Darfur,* UNDPKO, 2007, for a summary of those deliberations.

political guidance and largely left untouched the assumption that the agreement would remain central to the mission's strategy, despite a broad consensus among many observers that the DPA was already dead.[57] In the end, the UNMIS plans to expand into Darfur provided the foundation and much of the substance for the planning of UNAMID.

A group of actors already in the field in Darfur, including UNMIS, the UNCT, the Humanitarian Country Team, and humanitarian NGOs, sought to directly influence the planning for the military component of the proposed hybrid operation, by that time known as UNAMID. In February 2008 they submitted a proposal to the planning team elaborating overarching principles for the military component, a set of tasks, and instructions on where to reinforce existing AMIS military outposts and to establish new ones. It marked an unprecedented attempt to shape the role and operations of the military component by civilians who, presumably, were not familiar with military planning principles or operations. The specific impact on UNAMID planning is not clear.[58]

The plan for the establishment of UNAMID was presented by the Secretary-General and the Chairperson of the African Union Commission on 5 June 2007. It stated that:

> The hybrid operation should focus on the protection of civilians, the facilitation of full humanitarian access and the return of refugees and internally displaced persons to their homes. It should also contribute to the restoration of security in Darfur, inter alia, through the implementation of the Darfur Peace Agreement.

Notably, the Security Council mandate authorizing the mission reversed those priorities, authorizing the mission under Chapter VII to,

(i) Take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to:

(ii) Support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan.[59]

[57] *High Level Consultation on the Situation in Darfur: Conclusions* (AU–UN, 2006).

[58] Some humanitarian actors consulted for this study expressed deep concerns about the appropriateness and competence of humanitarian actors seeking to shape military planning in such a direct and detailed manner. Author interviews, May 2009.

[59] United Nations Security Council Resolution S/RES/1769 of 31 July 2007, para. 15.

POC in mission planning

The processes that led to the deployment of the joint AU–UN mission in Darfur are noteworthy for the centrality of protection concerns from the outset—and for what they demonstrate about how POC can and should be integrated into the planning process in general. The relatively newly introduced integrated planning processes prior to Council action do not necessarily establish integrated outputs or a genuine consensus over mandate language or substance. That lack of consensus can hamper subsequent planning, and points to a need for greater clarity on the concepts used to develop and operationalize plans for the protection of civilians.

Clarification is needed not only regarding the POC concept across different mission components and their associated communities of practice, but also at the level of the Security Council regarding the relationship of POC to other mission priorities. At certain junctures, some internal planning documents implied a relationship between the mission's political goals and the protection of civilians. However, that relationship was never fully acknowledged or defined, and the pre-mandate planning process left difficult dilemmas for downstream mission planners and the mission itself to resolve, chief among them how to protect civilians from parties to the peace agreement the mission was charged with implementing, and from a host government with which it was instructed to cooperate. For missions with an overarching emphasis on the protection of civilians, the consequences of such confusion threaten to undermine the operations before they are even underway.

Critically, though, it is the planners themselves who frame the options for UN engagement that are presented to the Security Council by the Secretary-General, right down to the mandate language. Although the Council can ignore or modify the Secretary-General's recommendations when authorizing peacekeeping missions, it typically follows his guidance closely. Thus when peacekeeping missions are mandated by the Security Council to protect civilians without the supporting analyses, strategies, or guidance required to operationalize that concept, it is to some extent evidence that the Council and Secretariat each look to the other to fill in the gaps.

Building the mission

After mission planning and policy is developed, the actual building of the mission in the field is where the abstract concepts begin to manifest in tangible results. This effort—to identify and move thousands of civilian,

police, and military personnel to a foreign country to address issues of peace and security—and to coordinate them with clear guidance, material, support, and able leaders, is immense. An examination of this process demonstrates how this stage of mission planning translates into a field operation, and the degree to which the protection of civilians is an identifiable aspect of the operation.

This section continues to look at key points in the process where policies and strategies are given more definition, and the extent to which these provide the vision, authority, capacity, and knowledge required to implement the mandate to protect civilians. This section considers the civilian, police, and military aspects of building the mission, even as peacekeeping missions remain dominated by a military-oriented planning process and personnel who serve as military observers and troops.

Civilian components

Despite the introduction of the IMPP and the increased codification of the planning process for UN peacekeeping missions, planning for the civilian components of peacekeeping missions (such as political affairs; civil affairs; child protection; human rights; and rule of law) remains largely ad hoc. In contrast to the military, there is only one dedicated civilian planner at UN headquarters. As IMTFs are assembled, individuals from relevant departments are tasked to participate, often taking on that responsibility in addition to their existing job. To date, civilian staff has only been seconded as full-time planners in the case of Darfur. As a result, civilian planners are often unfamiliar with the planning process for peacekeeping missions at the outset, hampering their ability to contribute most productively and sometimes slowing the process.

Moreover, as far as this study could determine, there is currently no clearly defined planning process for civilian components of peacekeeping missions. While civilians participate in the IMPP and contribute substantively to the *Draft Mission Plan, TAM Report,* and *Secretary-General's Report* leading to Security Council authorization of a mission, the brief summaries of their respective components' roles contained therein do not fully articulate how resources will be applied to achieve mandated objectives, including the protection of civilians. Interviews suggested that to some extent this reflects the lack of a 'culture of planning' among civilian departments and agencies, at least as compared with the military and police. It is noteworthy, however, that under pressure to develop tools and

strategies to protect civilians in the field, some civilian components have elaborated sophisticated tactical planning, which is discussed in greater depth in Chapter 4 and the case studies.

Whatever the reason, the lack of a clear chain of planning linking the strategic objectives identified by the Secretary-General, through the Security Council mandate to implementation in the field made it impossible to systematically investigate how civilian components conceived of their POC role—both individually and in relation to other mission components. In particular, no information was available at the planning stages about how those components would operationalize the aspects of the mandate they believed impacted their work directly.

Somewhat separately from the issue of planning for civilian components is the involvement of the UNCTs in overall mission planning. The IMPP calls for their integration into planning for peacekeeping missions, in part to take advantage of their deep knowledge of the prospective mission's area of responsibility, in part to ensure complementarity between the activities of the mission and the UNCT. While UNCT involvement in DPKO planning has improved through the implementation of the IMPP, to date integration has been more evident in process than outcomes. As of this writing, the IMPP working group chaired by DPKO was in the process of developing and introducing new tools designed to remedy some of these issues, particularly the Integrated Strategic Framework (ISF). The ISF Guidelines under development are designed to include a shared vision of the UN's strategic objectives across a mission and UNCT; mutually agreed timelines and divisions of labour; and joint conflict analysis and scenario planning. As the UNCT includes self-described protection actors (such as UNHCR, which has the global lead on Protection Clusters), the ISF may hold out the promise of enhancing substantive coordination on protection of civilians in the future.

Police in the process: a distinct component

Overview. Police are often expected or implicitly assumed to play a role in the protection of civilians; however, they often lack the means, authority, training, guidance, mission-specific strategy, and, in some cases, the willingness to intervene directly to halt violence against civilians. This is not to suggest that police do not contribute to the security of civilians, but rather to point to their limited functionality as direct protection actors when not operating under an executive mandate. It is therefore useful to frame the protection activities of UN Police as a spectrum of contributing actions.

The police component of a UN peacekeeping operation can contribute to the protection of civilians in a variety of ways, including:[60]

- **Protection from imminent threat.** This consists of immediate actions such as deterrence through patrols and presence, and intervention when encountering a crime, abuse, or atrocity. Such direct actions must be conducted in accordance with the mandate and are severely limited when police are unarmed or operating without an executive law enforcement mandate (both restrictions apply to the majority of individual police deployed).
- **Preventive measures.** These consist of actions usually undertaken in collaboration with host state police including but not limited to community policing initiatives, public information dissemination, and joint patrols. Where mandated, UN Police can undertake more systematic efforts to combat serious crime and/or organized crime that potentially threaten civilians.[61]
- **Strengthening host state capacity.** Through a variety of actions taken to monitor, advise, and train host state law enforcement officials, UNPOL works to contribute to the longer-term security environment of the local population. The effectiveness of this effort presupposes a cooperative host government and local police services.

Each of these categories of action has merit in terms of protection, as each contributes to the security of the civilian population. The type of actions undertaken by the police component are contingent upon the authority provided by the Security Council resolution—especially with respect to whether the mandate is executive or non-executive; the component's capacity and force structure; and the cooperation of the host state government. The prioritization of activities throughout the planning process, the mandate provided by the Security Council, and the development of police CONOPS together determine the focus of the police component's efforts and how it uses its resources. As with the military component, it is critical that the police component's efforts be pursued in cooperation with other mission components, and in coordination with humanitarian actors.

Generally speaking, with the exception of police operating under an executive mandate, individual police are focused on preventive measures

[60] Author consultation, UN Police Division, 27 August 2009.

[61] In useful but less direct ways, the police component also contributes to the protection of civilians by monitoring, reporting, and investigating crimes.

and the longer-term effort to assist in the development of rule of law and state capacity to react to threats against civilians. Separately, the UN has traditionally used FPUs in peacekeeping missions for crowd control and capacity building measures. More recently established missions—UNAMID and MINURCAT—have carved out a new role for FPUs in directly protecting civilians by assigning them protection and public order duties in large IDP camps.

Individual police and protection from 'imminent threat'. As stated above, unarmed individual police are limited by a number of factors from playing a large role in the direct protection of civilians under imminent threat. While they may be unable to respond to or prevent certain immediate and elevated levels of violence through direct intervention, this does not mean that they cannot play a role in addressing escalating violence against the civilian population. Individual police can contribute to the prevention of violence against the civilian population in a number of ways:[62]

- If properly trained and professionalized, individual police can provide invaluable intelligence gathering capabilities regarding emerging threats. Such intelligence can improve the effective response as well as the reaction time of the military component, should violence escalate beyond the threshold capabilities of police.[63]
- Police can play a role in deterring violence through patrols and presence if and only if rapid reinforcement is possible. Therefore it is necessary for police on patrol to be able to request FPU or military responses, as required by the nature of the threat.
- Police also play a role in public information dissemination, which can be a key preventive measure.
- Individual police can also contribute by monitoring, investigating, and reporting incidents.

FPU guidance on POC and conceptual confusion. FPUs are playing a variety of roles in UN peacekeeping missions, driven by increased deployment levels, growing expectations, a lack of doctrinal guidance, stretched resources and personnel, and general confusion regarding appropriate roles for FPUs. Judging from the field, there is a clear discrepancy between

[62] This section excludes executive mandates, which allow for law enforcement activities.
[63] Author interview, UN Police Commissioners, New York, 11 February 2009.

DPKO FPU policy and the use of FPUs in practice. Available DPKO policy denotes that FPUs were traditionally intended to perform three main functions under executive and non-executive mandates: protecting UN personnel and facilities, providing security support to local law enforcement agencies, and assisting with capacity building.[64] The policy makes little mention of protection of civilians, save for the broad description that 'FPUs will assist and advise national law enforcement officials in the exercise of their duties by serving the community and by assisting in the protection [of] all persons against illegal acts'.[65] The absence of UN operational guidance and policy for FPUs has allowed individual missions to define the responsibilities of deployed FPUs,[66] further blurring the parameters of their role in protecting civilians.

According to the 2005 UN *Police Handbook,* FPUs were partly created to address the gap between military and unarmed police in responsibilities and tools for responding appropriately to public order issues, yet the boundaries of their responsibilities have yet to be clearly defined.[67] In theory, better equipment, training, cohesiveness, and the ability to use force make FPUs a more formidable force than individual police, capable of addressing public order responsibilities and higher-risk tasks. Does that then make them more capable of engaging in POC activities considered to be inherent in policing duties? While DPKO policy has framed crowd control duties, host state capacity building, and the protection of UN facilities and personnel as the primary tasks of FPUs, the needs and expectations of local populations in conflict zones have placed pressure on FPUs to take on a direct POC role.

As of this writing, the Police Division of DPKO was developing a new FPU policy. Recent drafts describe a potential role for FPUs in the protection of civilians in the context of their three core tasks of public order management, protection of UN staff and facilities, and support to higher-risk police operations. The policy recognizes the potential for violence to exceed that which FPUs can manage, requiring the military component of a mission to step in. It further emphasizes that, to preserve the value of the formed response, FPUs should serve as formed units rather than being broken down into smaller ones.[68]

[64] *Functions and Organization of Formed Police Units in United Nations Peacekeeping Operations,* UNDPKO, 9 November 2006.

[65] Ibid. (pp. 2–3).

[66] As defined by mission-specific mandates, CONOPS, directives, and leadership interpretation.

[67] *United Nations Police Handbook,* UNDPKO, 2005, p. 42.

[68] *Draft Policy for Formed Police Units,* UNDPKO, 2009.

The draft policy allows for the elaboration of an FPU role in the protection of civilians; however, it appears that role will likely continue to be determined by mission-specific mandates, CONOPS, directives, and the interpretation of those mandates by mission leaders. Thus it is likely that wide variations in how different missions use FPUs will persist, at least until guidance on POC has been developed for police components.

Training. Two specialized sets of training materials developed by DPKO's Integrated Training Service clearly specify a role for police in the protection of civilians. As mentioned previously, the *Core Business of UN Police and Its Key Partners* suggests a role for individual police operating under executive authority, and for FPUs in the physical protection of civilians.[69] The second set, entitled *Human Rights Standards in the Use of Force,* includes a section describing UN Police responsibilities when operating under a non-executive mandate:

If a UN Police witnesses, discovers, or in any other way is made aware of a human rights violation, the UN Police officer is to:

- Put an end to the violation and/or prevent further violations
- Provide assistance to the victim as necessary
- Mentor and advise accordingly
- Report the human rights violation to his/her immediate supervisor
- Report the human rights violation to the Human Rights component of the mission and consult on further necessary action.[70]

The training material elaborates on the first bullet point by explaining that when operating under non-executive mandates—such as in Sudan and Liberia—UN Police will:

> [i]ntervene with local police or other state officers in view of putting a stop to the human rights violation (type and level of engagement will depend on the specific situation and mandate).[71]

These new specialized training materials highlight an awareness of a role for police in the direct protection of civilians under some circumstances.

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[69] *Core Business of UN Police and Its Key Partners: UN Peacekeeping Pre-Deployment Training Standards,* UNDPKO, 2009, p.10.

[70] *Human Rights Standards in the Use of Force: UN Peacekeeping Pre-Deployment Training Standards,* UNDPKO, 2009, p. 13.

[71] Ibid. (p. 14).

These documents further demonstrate that police engagement in direct protection is largely determined by the direction given by Security Council mandate and the interpretation of the mandate by mission planners and leadership.

Force generation. DPKO's Police Division has only a small mission management staff of roughly 10–15 people, and recruitment is done in ad hoc fashion by approaching regular PCCs and requesting individual police officers or FPUs. The protection of civilians is not a major focus of personnel recruiting, as the Police Division is normally focused on establishing a memorandum of understanding (MOU) and is concerned about receiving enough police commitments from PCCs.[72] Typically, UN missions receive individual officers from a variety of countries with varying degrees of training. The police officers provided by Member States frequently lack relevant language skills, intelligence gathering skills, firearms and basic trainings.[73] These shortcomings are exacerbated by nations insisting on rapid rotations, as highly qualified individuals are often sent home after one rotation, while underperforming officers are redeployed for second and third rotations.[74]

Planning. Planning for the police component of a mission is generally the responsibility of the Strategic Policy and Development Section of the UN Police Division, which helps to formulate the composition and role for police in a potential mission. The Police Division is strengthening its capacity, including through hiring additional planners, but the its planning capacity continues to be very limited.[75] As mentioned previously, police planners are included in the Integrated Mission Planning Process: they independently develop plans for missions that are fed into the joint planning processes prior to, during, and following the creation of mission mandates. The joint planning discussions with military counterparts help to clarify the UN Police's role in the specific mission.[76] Research revealed little evidence that the protection of civilians is consistently and specifically addressed by all aspects of the planning process for police.[77]

[72] Author interview, UN Police Division, 11 June 2009.
[73] Author interview, UN Police Division, 22 May 2009.
[74] Author correspondence, former UN official.
[75] Author interview. UN Police Division, 14 June 2009.
[76] Author interview, UN Police Division, 22 May 2009.
[77] Author interview, UN Police Division, 11 June 2009.

Mandate. With the exception of missions that include executive mandates, this study found that the police components of missions typically only respond to those aspects of Security Council mandates that refer specifically to the maintenance of public security; law and order activities; and training, mentoring, and reforming national or local police structures.[78] Chapter VII POC language in mandates is not consistently interpreted by UN police components as having implications for their role.

Within DPKO, there is some dissatisfaction and frustration with the lack of clarity in mandate language guiding police. One interviewee commented: 'I think that the Security Council has an idea of how they want the police to act but they do not express it properly.'[79] Some hold the view that mandates should include more specific language, while others argue that detailed tasking should be left to CONOPS or similar guidance.[80] One explanation as to why detail should be left to operational planning documents is that mandates are built upon consensus, not only within the Council, but also with the consent of the host state in mind. Precise language within mandates could be seen, depending on the wording, as encroaching upon host state sovereignty.[81]

Of the missions visited by the study team, only UNAMID had mandate language containing operational or tactical-level guidance for FPUs. The *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur* provides UNAMID's mandate:

> To promote the re-establishment of confidence, deter violence and assist in monitoring and verifying the implementation of the redeployment and disengagement provisions of the Darfur Peace Agreement, including by actively providing security and robust patrolling of redeployment and buffer zones, by monitoring the withdrawal of long-range weapons, and by deploying hybrid police, including formed police units, in areas where internally displaced persons are concentrated, in the demilitarized and buffer zones, along key routes of migration and in other vital areas, including as provided for in the Darfur Peace Agreement.[82]

[78] Author interview, UN Police Division, 22 May 2009.
[79] Author interview, UN Police Division, 11 June 2009.
[80] Author interviews, 11 June 2009 and 27 August 2009.
[81] Author interview, UN Police Division, 22 May 2009.
[82] *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007, para. 55b(i). The cited section above was included in the UNAMID mandate under Security Council resolution 1769 of 31 July 2007.

More specific guidance provided by resolution 1769 has established FPUs in UNAMID as one of the primary actors involved in direct protection activities.

Police CONOPS and Directives on the Use of Force (DUFs). Recently released IMPP Guidelines on the role of headquarters (May 2009) suggest that mission component CONOPS, including those for police, shall in the future be initially produced at UN Headquarters for incoming leadership:[83]

> The objective of a component CONOPS is to link the mission mandate to the execution of key objectives such as, strategic intent, organization and deployment (including timelines), security/force protection, terms of engagement, administration and logistics, and command and control.[84]

Whether POC language will be incorporated into such documents for police will be determined by the mission-specific mandate and interpretation of the mandate by the Police Division and Police Adviser. Interviews with the Police Division suggest that in recent years, CONOPS have begun to address the issue of protection of civilians with respect to the police component of a mission.

Prior to the issuance of the May 2009 IMPP Guidelines, it is not clear whether police CONOPS were consistently created at the start of a mission or consistently revised over the course of a mission. Research for this study suggests that at times, police CONOPS were not created at the start of missions, due either to a lack of resources or of clarity in the drafting process. Additionally, because CONOPS define more precisely the tactical actions required of police, the sensitivities of PCCs about the risks and role for their contributed personnel can increase. Balancing the need for clear articulation of the police role through CONOPS and the sensitivities of PCCs can prove daunting.

Directives on the Use of Force (DUFs) provide mission-specific guidance on the appropriate and legal uses of force. After taking into account the context and type of mission, DUFs are drafted by the Police Division and then signed by the Under-Secretary-General. DUFs follow a standard formula based upon UN Basic Principles on the Use of Force Firearms by Law Enforcement Officials (1990), and the Code of Conduct for Law Enforce-

[83] Subsequent revisions of the CONOPS are a product of consultations between mission leadership and offices at UN Headquarters.

[84] *IMPP Guidelines: Role of the Headquarters,* UNDPKO, May 2009.

ment Officials (1979).[85] Available DUFs for FPUs[86] (including for MONUC, UNOCI, and MINUSTAH) contain identical sections addressing POC, and particularly protection of civilians under imminent threat:

> Members of FPUs may use force, or items of law enforcement equipment, including firearms, against other persons in the following circumstances and to achieve the following objectives: [. . .] to protect civilians, including humanitarian workers, against an imminent threat of death or serious bodily injury.[87]

Overview of key military planning tools

The key tools used by DPKO to organize the deployment and management of peacekeeping operations have evolved considerably from their origins in military planning for missions designed to monitor ceasefires. Even as peacekeeping operations have moved to be more multidimensional, focused on the development of effective governance and rule of law, and inclusive of human rights and longer-term peacebuilding strategies, the United Nations has struggled to build its own capacity to recruit, deploy, and manage skilled individuals and units to meet these objectives. At the same time, many tools used by national militaries to plan and conduct complex operations remain absent or under development within DPKO, including UN doctrine, training, intelligence, and command and control arrangements.

This section reviews the aspects of mission planning that are led by the military side of DPKO, but which have implications for the whole mission and its leadership. After examining the key military planning documents, including the use of CONOPS, this section looks at the generation of peacekeeping forces and DKPO's role in identifying, consulting with, and supporting the deployment of troop and police contingents to the field. It also touches on how the United Nations works with the TCCs and PCCs.

Military planning for the protection of civilians. The challenge of translating a POC mandate into concrete plans for the military component begins at the Draft Mission Plan stage of the IMPP. Within DPKO, the

[85] Author interview, UN Police Division, 22 May 2009.

[86] *Directive on Detention, Searches and Use of Force for Members of Formed Police Units on Assignment with the United Nations Operation in Côte d'Ivoire (UNOCI),*UNDPKO, 25 August 2005.

[87] Ibid.

Military Planning Service develops two key documents: the military concept of operations and the Troops-to-Task (TTT) analysis. The CONOPS is a concise explanation of how a mission will apply its military resources to achieve its objectives as derived from the Security Council mandate.[88] It lays out the basic force structure, describes the role that the military component will play in the mission strategy, and serves as a basis for tactical planning once the mission deploys.

Closely associated with the CONOPS is the TTT analysis, which helps develop the proposed structure and size of the military component of the mission, based on the CONOPS. This includes identifying the kinds of tactical tasks to achieve the strategic objectives, which requires assessing those tasks and the number, type, and capabilities of the troops needed to carry them out. This work results in the TTT, which specifies the intended size, location, and responsibilities of the military units of the mission.

These two documents shape the formal force requirements that lay out the unit capabilities needed to support the CONOPS[89] and, thus, the mission mandate. To try to secure the contribution of contingents that possess the capabilities required by the CONOPS, DPKO sends documents to potential TCCs describing the conflict situation, the basic mission concept, and the mission statement for the military component. The mission mandate and the CONOPS also inform the ROE, which govern when, how much, and for what reasons the military component may use force in carrying out its mandate or self-defence. ROE are developed by the MPS and the Office of Legal Affairs, issued to the Force Commander for dissemination, and provided in a simplified ROE card for soldiers to carry with them.

Integrating POC into military CONOPS

While they do not have a single format, CONOPS do have key elements that are most likely to integrate protection language. These include: the analysis of the situation; the Mission Statement; and the sections that describe the execution of the CONOPS, and force structure, respectively.

The CONOPS for missions with protection of civilians mandates that were examined for this study do not incorporate the issue in a consistent

[88] Early drafts of the CONOPS influence the creation of the mission mandate, though CONOPS only become official following Security Council mandate authorization.

[89] CONOPS includes basic structure and number of troops within a given type (e.g. infantry; engineering; special forces) of battalion, brigade, or company; their armament and vehicles; and the unit's organic medical, engineering, and logistical capabilities.

way, or to the same degree.[90] In some cases, POC is explicitly referenced in the *Mission Statement*. In other cases, it is referenced elsewhere (as a mission task, or in a discussion of a particular phase of the mission). In some cases, POC is not referenced at all in the CONOPS other than in a brief restatement of the mandate. However, the presence or lack of a reference to protection of civilians in the Mission Statement is not on its own indicative of whether a CONOPS addresses the issue. Understanding whether and how the military component of a mission conceptualizes and operationalizes its protection role requires a holistic reading of the CONOPS, with particular attention to the section entitled 'Execution' (see below).

The Mission Statement. CONOPS generally begin with a concise summary of the background to the conflict and the UN's engagement, emphasizing the political analysis on which the mission is based. This typically includes an assessment of threats to the mission and any relevant peace agreements or processes; a statement of the political/strategic goals of the mission; and a listing of the basic assumptions around which the CONOPS was created. Key language from Security Council resolutions that shapes the role of the military component is also usually quoted. A *Mission Statement* is then derived. For example, the 2009 CONOPS for MONUC identifies the mission and includes protection of civilians:

> Acting under Chapter VII of the Charter of the United Nations, the MONUC Military Component will contribute to the development of a sustainable security environment by protecting civilians within its capabilities and in its areas of deployment, and supporting the implementation of the Nairobi and Goma processes in order to foster the reinsertion of state authority throughout the DRC.[91]

The overarching goal is 'the development of a sustainable security environment', accomplished by two subsidiary goals: the protection of civilians and support to the implementation of recent peace deals that would see the extension of the Congolese state's authority.

Mission Statements are not always so clear in linking overall goals to key subsidiary goals. A 2004 MINUSTAH Mission Statement, for example,

[90] CONOPS for the following missions were examined for this study: UNAMID (2007); MONUC (2005; 2009); MONUC Ituri Brigade (2003); MINUSTAH (2004; 2005; 2008); UNOCI (2004; 2006); UNIFIL (2006; 2009); ONUB (2004).

[91] *Military–Strategic Concept of Operations for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),* UNDPKO/OMA/MPS/2009/5052. February 2009, p. 8.

simply stated that the mission would 'ensure a secure and stable environment' in order to enable a political transition to 'legitimate government providing good governance to its population'.[92] Even vaguer, the 2008 UNMIS CONOPS stated:

> The UNMIS military component will support the implementation of the CPA, in order to assist the parties in creating an environment conducive for a peaceful referendum and the implementation of its result.[93]

A vague mission statement is not necessarily a fatal flaw, but the CONOPS requires greater clarity in other sections of the document to compensate.

Indeed, of the 12 CONOPS for UN peacekeeping missions reviewed, only three explicitly referenced protection of civilians in the mission statement: UNAMID, the 2003 MONUC Ituri Brigade, and the 2009 iteration of MONUC. Some CONOPS for other missions with POC mandates reference the issue in other sections—under 'Tasks' or 'Scheme of Manoeuvre'—but others only quote the Council mandate. The correlation between a POC mandate and its explicit inclusion in the CONOPS' Mission Statement is inconsistent at best.

From objectives to action. The Mission Statement alone is not determinative of whether or how a POC mandate is operationalized. Identifying the protection of civilians as a primary objective for the mission is not the only way it can be integrated into a CONOPS, nor does it guarantee that POC is sufficiently developed in the document to be operationalized later in the field. A section entitled 'Execution'[94] provides the details of how peacekeepers will be expected to accomplish the mission and the general principles they have to follow in doing so; how different types of units and specific contingents or formations will be utilized; a list of the various tactical actions units may be ordered to execute and TCCs should anticipate; and a plan of how military operations will be sequenced and

[92] *Military–Strategic Concept of Operations for the United Nations Stabilization Mission in Haiti (MINUSTAH),* UNDPKO/MD/MPS/7435. August 2005, p. 9.

[93] *Military–Strategic Concept of Operations for the United Nations Mission in Sudan (UNMIS),* UNDPKO/OMA/MPS/2008/5853, May 2008, p. 6.

[94] This involves outlining the specific role each unit or contingent will play in the overall operation, the objectives they will be responsible for achieving, and often the capabilities they will have to possess in order to achieve them. For example, an infantry battalion, operating as part of a brigade task force responsible for a particular region, may be required to conduct a range of operations launched from a battalion headquarters, but also be capable of detaching companies to construct temporary bases in volatile areas in order to deter spoilers and provide area security through a deterrent presence.

resources used over time to achieve the mission's objectives. These elements, along with guidance on logistics, liaison with other forces, command and control arrangements, and the role of mission structures such as the JOC and JMAC, lay out a vision of how the military component will pursue the goals and objectives identified in the Mission Statement.[95]

A holistic reading of the Execution section of a CONOPS provides evidence of whether or how the military component of a mission is conceptualizing or operationalizing its protection role. To illustrate the various ways in which the protection of civilians can be incorporated into CONOPS, this section draws examples from MONUC, UNAMID, MINUSTAH, and UNOCI.

The 2003 CONOPS for MONUC's Ituri Brigade is exceptional for its explicit incorporation of POC throughout the document, and the coherence of its approach to addressing threats to civilians.[96] At the outset, it discusses the toll on civilians as a result of inter-ethnic violence as a problem that the mission must address, explicitly stating in the Concept that '[t]he Ituri Brigade will operate as a deterrent force and provide protection to civilians within the immediate vicinity of their deployment'.[97] The CONOPS further identifies POC as a task in each phase of the Concept and, in circumscribing the limits of its role, articulates the intended robustness of MONUC's presence in Ituri:

> It is also important to recognize that the Ituri Brigade will not have a "pacification" role in the region. The Ituri Brigade will not intervene between militias when their maneuvering or fighting does not present a threat to the UN presence or the local population.[98]

While explicitly stating what the Ituri Brigade will *not* do, it necessarily implies that the force must be prepared to intervene when and where militias *do* pose a threat to civilians. But it also clearly articulates the need for troop contingents to understand the implications of the POC objective, among others, for the military component. It links the ability

[95] These also help define subsidiary objectives from the operational down to the tactical; the required units and the capacities they need; and how those units will be used to achieve those objectives.

[96] Following a crisis caused by inter-ethnic war in the Ituri region of north-eastern DRC in which a small UN force proved inadequate to protect civilians, the European Union deployed an interim multinational force for three months to stabilize the situation. This gave the UN time to prepare and deploy a brigade-sized force structured for more robust operations, under more permissive ROE, and with a clear mandate to use force to protect civilians. That force was referred to as the Ituri Brigade. For a more in-depth description, see the MONUC case study.

[97] *Military Concept of Operations: Ituri Brigade,* UNDPKO/MD/MPS/5053. August 2003, p. 9.

[98] Ibid. (p. 12).

of the Ituri Brigade to ensure security for civilians to the robustness of the mission, and states outright:

> A Chapter VII mandate will affect the completion of the assigned military tasks by mainly requiring changes in the unit level tactics, techniques and procedures that are being followed under Chapter VI. Primarily, Chapter VII requires a higher level of preparation to conduct military operations in an offensive or an aggressive manner in order to achieve [MONUC's] operational objectives.[99]

This statement, along with nine others regarding the military implications of what was then a new CONOPS, seems to have been aimed at mission leaders, troop contingents, and current or potential TCCs to communicate the overall posture required of the military component in order to achieve its objectives.

In contrast, the 2007 UNAMID CONOPS lays out the mission tasks and core capabilities, including for protection, but does not convey as clearly the challenges of the security environment, and what is required from TCCs to operationalize the concept of the protection of civilians. Unlike the Ituri Brigade CONOPS, it does not describe the nature of the threats to the civilians, the toll the conflict has inflicted on the populace, or the underlying dynamics of the conflict that result in civilian insecurity. The UNAMID CONOPS does provide a detailed list of tactical tasks, but fails to explain *how* they will have to be executed to achieve the objective.[100] Since military patrolling can be carried out in a number of different ways, the absence of any indications that it must be carried out in a manner that is appropriate to the security environment and the mission objectives is notable.[101] This difference is particularly noteworthy given that

[99] Ibid. (p. 12).

[100] POC-related military tasks identified in the 2007 UNAMID CONOPS as derived from the mission's mandate to implement the DPA include: 'protect civilians'; 'identify, demilitarize and patrol of humanitarian aid supply routes'; 'escort humanitarian aid convoys where necessary'; 'identify and demilitarize nomadic migration routes and achieve route security through patrolling when and where necessary'; 'establish and patrol demilitarized zones around IDP camps'. POC-related military tasks identified as deriving directly from the mission's mandate include: 'ensure the security and freedom of movement of UNAMID personnel, humanitarian aid workers and assessment and evaluation commission personnel' and 'protect civilians under threat of violence'. See *Military–Strategic Concept of Operations for the African Union/United Nations Hybrid Operation in Darfur (UNAMID)* (UNDPKO, 2007, pp. 7–9).

[101] For instance, should patrols follow a consistent pattern or be unpredictable? While vehicle transport will clearly be required given the long distances and harsh environment in Darfur, are patrols expected to dismount and interact with locals in villages? It is clear that the CONOPS cannot provide detailed guidance for every scenario and every activity, but a clearer explanation of how tactical actions must be adapted to serve the mission's objectives and account for the security context would help ensure TCCs and contingents are better informed as to precisely what will be required of them.

both the UNAMID and Ituri Brigade CONOPS were introducing more robust approaches to pre-existing missions, and thus trying to change operations that had proven unable to deal with the security challenges in the area of operations.

Other CONOPS approach the protection of civilians in a different way. MINUSTAH's 2005 CONOPS, for example, considers civilian security in terms of its impact on Haitian political processes and the stabilization effort. While only making minimal reference to POC, it assesses the 'centre of gravity'—the decisive element in the stabilization effort—as 'the support of the local communities'.[102] Noting that illegal armed groups persisted as a result of coerced, tacit, or active support from the civilian population, it proposed eroding that support by providing 'a viable security and economic alternative' to affected communities. In a similar vein, a 2006 UNOCI CONOPS asserted the need to improve the mission's legitimacy among the Ivorian population and the international community. It argued that doing so required that:

> [t]he Force displays the necessary determination and resolve in addressing issues that are clearly within its mandate, such as: [. . .] protection of civilians under imminent threat of physical violence.[103]

These approaches reflect extremely sophisticated understandings of the political–military dynamics of the conflicts that these UN operations were trying to help resolve. Specifically, the MINUSTAH CONOPS recognizes the links between civilian security and the political and security situations that are pervasive in civil conflicts. The UNOCI CONOPS recognizes the link between civilian security and the mission's legitimacy among the host nation population—legitimacy that is critical for the mission's ability to successfully carry out its other mandated peacebuilding tasks.[104] These insightful analyses of complex phenomena were not always fully operationalized, but they represent evidence of attempts by UN military planners to grapple with some of the most challenging aspects of modern conflicts.

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[102] *Military–Strategic Concept of Operations for the United Nations Stabilization Mission in Haiti (MINUSTAH),* UNDPKO/MD/MPS/7435. August 2005, p. 13.

[103] *Revised Military Concept of Operations for UNOCI,* UNDPKO/MD/MPS/6353, August 2006, p. 8.

[104] *United Nations Peacekeeping Operations: Principles and Guidelines (Capstone Doctrine).* (UNDPKO, 2008a, p. 36). 'The experiences of the past 15 years have shown that in order to succeed, United Nations peacekeeping operations must also be perceived as legitimate and credible, particularly in the eyes of the local population.'

The verdict on military CONOPS and POC. The CONOPS examined in this study point to three key findings.

First, based on the analysis outlined above, protection of civilians mandates are not consistently integrated into the military operational approaches as described in CONOPS. Where POC language is taken into account, plans for how to achieve that objective are not clearly articulated, either in terms of the various military actions that must be executed to achieve the overall goal, or how those actions must be carried out in a manner distinct from that used in other more conventional military contexts.

This research indicates that the inclusion of threats to civilians in the political and military analysis of the conflict used in the development of CONOPS is critical to the operationalization of POC. Explaining the relationship between those threats, the political and military dynamics that affect the peace process, and the mission itself makes it clearer how the military component can utilize its resources to achieve POC goals and reconcile the protection of civilians with other competing or conflicting mission objectives.

What is striking is the lack of an operational definition of how 'protection of civilians from imminent threat of physical violence' is to be addressed. Such a definition is necessary to guide the military component's actions from mission headquarters down to the remotest outposts, and one would have expected it to evolve over the last decade of mission planning for UN operations with POC mandates.

An operational definition can be developed generically for adaptation to specific missions, but without this understanding of the military component's role (including who is to be protected, from what kind of actors and threats, and by what means), it will not be possible to develop mission-wide strategies. Greater clarity on these points will help the military, police, and civilian components of the mission and other relevant actors develop joint or complementary approaches

Box 5
Pivot point: Military CONOPS

The military CONOPS remains one of the few detailed explanations produced in the planning process of how a mission will apply its resources to achieve the objectives identified by the Security Council mandate. Moreover, it is the key document for the military component: it is the primary means for communicating the nature and requirements of the mission to TCCs, contingents, and staff officers. For the military component to operationalize a POC mandate, it must be incorporated into the goals, operational principles, and plans laid out in the CONOPS.

to achieving shared POC goals, leveraging each actor's comparative advantages. Further, such clarity will enable military planners to more effectively use planning tools—such as CONOPS—to link intended outcomes with specific operations, tasks, and the resources required to support the protection of civilians (see Box 5).

Finally, the CONOPS should articulate both the tactical tasks that the military component will be expected to execute *and* how the security environment and specific POC objectives will impact the way those tasks are conducted. For example, patrolling procedures in conventional operations may not be appropriate for robust peacekeeping and insufficient to protect civilians. Contingents may have to be prepared for highly mobile operations in company-sized detachments, requiring different logistical capacities and the devolution of what are typically battalion or brigade-level capabilities (for example, interpreters or intelligence officers) to lower levels. In many cases, contingents may need to ensure they have the capacity to engage in offensive operations to pro-actively engage and deter spoilers intent on attacking civilians, disrupting their operations, or neutralizing their ability to threaten the population. The point is not to be overly prescriptive, or to constrain the prerogative of tactical commanders to determine the appropriate actions in their area of responsibility, but rather to partially compensate for the absence in UN peacekeeping of the other tools that national militaries use to fully prepare troops for the environment into which they are deploying (such as scenario training). Effectively communicating the realities of modern peacekeeping environments to TCCs and contingents is key to ensuring that tactical actions are carried out in a manner that helps achieve the mission's objectives, including the protection of civilians.

Rules of engagement

The rules of engagement are developed by the Military Planning Service in close consultation with the DPKO Office of Operations and the Office of Legal Affairs. As the *Capstone Doctrine* explains, ROE 'clarify the different levels of force that can be used in various circumstances, how each level of force should be used, and any authorizations that must be obtained by commanders'.[105] They are developed in association with the CONOPS

[105] *United Nations Peacekeeping Operations: Principles and Guidelines (Capstone Doctrine)* UNDPKO, January 2008, p. 35.

and therefore should be harmonized with the operational approach envisioned therein.

ROE are frequently cited by peacekeepers as tightly restricting their ability to take robust action, including that related to the protection of civilians. Those alleged restrictions are perceived by some troops as all but prohibiting offensive operations because they typically include requirements to follow a graduation towards the use of deadly force—including shouted verbal warnings—before opening fire. However, in missions mandated to protect civilians under Chapter VII, the requirement for graduated escalation is typically subject to critical caveats. For example, peacekeepers may open fire without warning '[i]f those [graduated escalation] procedures do not hold out any promise of achieving an authorized objective specified in these ROE'.[106] For missions with POC mandates, those objectives include the protection of civilians from imminent threat of physical harm.

Although interpretations of 'imminent threat' vary, this study finds that the understanding adopted by high-level military leaders (such as Force Commanders, Contingent Commanders, and Staff Officers) tended, with notable exceptions, to correlate with the strength of their desire to take robust action to protect civilians. Below the leadership level, TCCs had often trained their contingents using conservative readings of the ROE, in some cases creating significant challenges for Force Commanders seeking to implement CONOPS based on more robust operational approaches. Despite the ubiquity of claims that ROE prevent the implementation of POC mandates, having compared CONOPS across a number of missions and different eras of the same missions, and after extended consultation with senior military leaders who have operational experience in POC-mandated UN operations, this study concludes that ROE are not a major impediment to UN missions taking robust action to protect civilians, including the proactive use of deadly force when necessary.

The issue of ROE relates back to two issues: clarity of the CONOPS and political will. As described above, the more explicitly a CONOPS describes the implications of the mission objectives and operational approach for the tactics, techniques, and procedures to be employed by peacekeeping troops, the less likely are mistaken interpretations among TCCs, military and civilian mission staff, and contingents.

[106] See, for instance, *Rules of Engagement (ROE) for the Military Component of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),* UNDPKO, 10 February 2009, Annex C, p. C3, para. 8b.

The second issue—political will—has a number of dimensions. At its most basic level, TCCs must be sufficiently committed to providing troops capable and willing to achieve the mission objectives that they are prepared to assume the risks involved in the robust operations that are often required to implement protection of civilians mandates. DPKO's role in fostering such will is primarily through providing clear and convincing plans that justify the assumption of those risks.

Getting peacekeepers to the field

Planning must result in moving people to the field. What are the key discussions between DPKO and potential troop contributing countries about the expectations of the troops? How are the mission's goals and strategies communicated? How are discussions about the environment, threats to civilians, and the potential use of force held before peacekeepers arrive in the area of operations? The structure for moving personnel to the field offers insight into how the expectations for achieving the mission mandate are addressed.

DPKO's Force Generation Service (FGS) leads recruitment of military peacekeepers. The kinds of forces that deploy have a major impact on the ability of missions to protect civilians. As described above and more fully in the case studies, wherever violence against civilians is widespread, extreme, or escalating, the deployment of contingents that are unwilling or unable to take robust action will undermine the mission. The expectations of TCCs are often formed during their discussions with DPKO. Thus the challenge for FGS is threefold: to identify units with the appropriate skills and equipment; to persuade TCCs to contribute those units to participate in the mission; and to communicate the nature of the mission to capitals and contingents alike.

Consultations with TCCs begin early, before the Security Council authorizes the mission. As the nature of the UN's engagement begins to take shape during the Strategic Assessment (see above), the FGS begins identifying potential TCCs based in part on the UN Standby Arrangements System.[107] The system is not reliable for a number of reasons (some primarily related to Member States), and DPKO often relies on its own knowledge

[107] The UN Standby Arrangements System was designed to categorize potential contributions of TCCs to missions, across levels of capacity and readiness. The system has not proven reliable, however, and the highest level of the Standby Arrangements System to identify countries that would commit to deploy—the Rapid Deployment Level—has not worked. Thus national assets listed in the system may in fact be unavailable.

of Member State military capabilities to identify the needed personnel and units for the mission environment.

The Military Planning Service develops the Force Requirements based on the CONOPS, which identifies the size and capabilities (including equipment, armament, logistical self-sustainment, language fluency, and integrated medical support) that each unit needs, and lists tasks expected of it. These requirements are drafted as specifically as possible, even to identify a particular type of unit for a location if possible (for example, designating an infantry battalion in Ituri versus one in North Kivu for eastern DRC).[108] For a new mission, such detail is not often available, and requirements are often written more generically for classes of units, such as infantry battalions or field engineer units.

At each step of the military planning process, the availability of troops is taken into consideration, often through informal meetings with potential TCCs. FGS develops lists of potential contributing nations in consultation with the DPKO Office of Operations, in part to ensure the acceptability of contingents to the prospective host state. As with the consultations with TCCs, this is an iterative process repeated at various stages: FGS only seeks final political clearance from the Office of Operations to issue requests to TCCs after the Security Council has provided a mission mandate.

After the CONOPS and Force Requirements are finalized, a small team led by FGS begins informal negotiations with the Permanent Missions to the UN of potential TCCs. This leads to a more formal request issued through a *note verbale* for contributions to the mission, and if the TCC agrees, planning proceeds. Although final authorization for a troop contribution must generally come from a national capital, DPKO negotiates almost exclusively through the Permanent Missions of TCCs in New York.

Throughout this process, TCCs are provided with information about the mission and the required capabilities of particular units, with meetings of potential TCCs held at various points, sometimes with the USG and the Secretary-General's Military Adviser or his deputy. DPKO provides TCCs with the *Guidelines for Troop-Contributing Countries,* composed of the CONOPS, ROE, and Directive to the Force Commander, to ensure they have full access to the documents that shape the mission (see Box 6).

TCCs visit the mission area of operations to determine how the environment and circumstances could affect their ability to undertake the tasks identified for the mission. Facilitated by DPKO mission staff (or advance

[108] The information for this section is drawn from *Planning Process for Military Operations,* UNDPKO, September 2001, and an interview with a senior UNDPKO official.

Box 6

Pivot point: Briefings to TCCs

The briefings to TCCs are critical for contributing countries to understand the nature, requirements, and risks of the mission. In the past, contingents and TCCs have sometimes refused to carry out operations designed to protect civilians because those operations exceeded the role they had agreed to assume. In other cases, contingents did not possess the operational flexibility and capacities required to execute the CONOPS. To ensure that the forces deployed to missions are capable of fulfilling their POC role, TCCs should be fully briefed on what that role entails in terms of the nature of operations, the risks they will have to assume, and the capabilities they will need to possess.

teams, if the mission is starting up), these visits are intended to help resolve issues for the contingent in carrying out its assigned role.

The UN and the TCC reconnaissance team jointly draft a report on results of the visit, the suitability of the prospective contingent, and any unresolved concerns that need to be addressed. The intention is to forge consensus on any outstanding issues through this process, and once the report is finalized the FGS and the Department of Field Support begin negotiations with the TCC about contingent owned equipment—the assets the contingent will bring with them when deployed to the area of operations, from weapons and armoured personnel carriers to self-sustainment capabilities such as field kitchens and water purification systems.

A MOU sets the terms for UN reimbursement for such equipment, which is verified by the UN pre-deployment visit to the TCC to inspect the contingent in question.[109] Notably, DPKO traditionally conducts its pre-deployment review of potential peacekeeping contingents *after* pre-deployment training: too late in the process to suggest new elements that could address the specific requirements that flow from a POC mandate.[110]

MOUs are intended as purely administrative documents but have often imposed unforeseen constraints on missions attempting to implement POC mandates. Because they delimit the financial reimbursement arrangements by the UN for costs incurred by the TCCs, including transport and housing for contingents, they directly impact the mobility and flexibility of the force, which in turn impacts POC activities. The negotiation between DPKO and the TCC may not take this factor into consideration because

[109] If the pre-deployment visit confirms that the contingent meets the force requirements, in theory, the UN and the TCC sign an MOU. It is important to note that the MOU is purely a financial and administrative document, not an operational one.

[110] Author interviews.

the protection aspects of the mandate are not always fully reflected in the Force Requirements. This is especially true when crises occur that require significant and rapid adjustments of the force structure, posture, and deployment.

In the field, some battalion commanders stressed the impact of MOUs that do not account for protection activities. This was especially true when contingents were requested to deploy in a different configuration than specified by the MOU. For example, in eastern DRC, contingents were asked to undertake highly mobile operations in relatively small-unit formations for which they had not prepared. Such configurations require a different mix of enabling and support elements than larger, less mobile deployment configurations; they impose different—often additional—costs that were not necessarily foreseen in the MOU. In some senses, this demonstrates how the lack of institutional understanding of protection requirements will impact the mission configuration, which will then affect the options available to the field mission to achieve its mandate.

In theory, the force generation process matches missions and contingents with the required capabilities. In reality, this often is not the case. Problems can arise at a number of points. If there is an inadequate response to requests for troops, or if the participation of a particular state is politically necessary, DPKO may be obliged to accept whatever contingents are offered regardless of whether they meet the Force Requirements. If the host nation is ambivalent or even hostile to the deployment of a peacekeeping force with the necessary capabilities to protect civilians, it can attempt to exclude all the TCCs that could provide the required capacity.

The case of UNAMID is particularly illustrative of the problems that can arise. In November 2007, the Sudanese government objected to the deployment of a Thai infantry battalion, a Nepalese special forces unit, and a Nordic engineering unit that the United Nations considered vital to the ability of UNAMID to carry out its mandate.[111] Then USG Guéhenno told the Security Council that:

> Should the anticipated discussions fail to clear the path to the deployment of an effective force, the international community will be confronted with hard choices. Do we move ahead with the deployment of a force that will not make a difference, that will not have the capability to defend itself, and that carries the risk of humiliation of the Security Council and the United Nations, and tragic failure for the people of Darfur?[112]

[111] 'Sudan Leader Rules out Non-African Troops in Darfur' (Heavens, 2007).

[112] 'Sudan Actions Cast Doubt on Peace Force—UN Official' (Worsnip, 2007).

Although Sudan eventually dropped its objections to some (though not all) of these units, the effects of the episode on the deployment of capabilities to UNAMID necessary to protect civilians demonstrate challenges involved in the force generation process.

Issues of political will can also severely hamper the implementation of POC mandates. As noted earlier, protecting civilians from violence can require robust action against spoilers intent on attacking the populace. Doing so involves risks, including casualties and damage or destruction of valuable military equipment—risks some TCCs are loath to assume. This relates to two issues discussed in Chapter 2: the tensions between the Security Council that mandates UN peacekeeping operations on the one hand, and the TCCs that provide troops on the other; and the broader issue of political will.

It is noteworthy, though, that the top TCCs in UN peacekeeping operations have been relatively consistent since the late 1990s, including participation in robust peacekeeping missions over that period.[113] Despite this consistency of participation and the wealth of experience available within the ranks of their own militaries, the governments of leading TCCs sometimes claim to be surprised by the security environments their troops encounter in contemporary UN peacekeeping operations, and what is required of them to implement POC mandates. Whether this is indicative of problems with pre-deployment training, lessons-learned processes in TCC militaries, or a lack of communication between different components of those governments is unclear, but, as outlined above, these issues can become serious impediments to the implementation of protection of civilians mandates in the field.

Issues can also arise when contingents deployed to peace operations by regional organizations are 're-hatted' in the process of converting to a UN mission, as with ECOMICI to UNOCI, or a hybrid mission, as with AMIS and UNAMID. In some cases, units serving in regional organization missions have lacked the capabilities required by a UN or joint CONOPS. Requests from those organizations for the UN to take over responsibility for the mission are usually linked to the need for a more capable force. At the same time, those organizations often wish to maintain a regional face on the mission and exert pressure for the follow-on

[113] One peacekeeping official pointed out that the leading TCCs had both a wealth of experience and DPKO information over the course of the force generation process, and that it is difficult to see why they would be surprised by the harsh conditions and robust expectations they typically encounter in some POC-mandated missions.

UN operation to retain contingents that have already deployed. This situation can create tension between regional legitimacy and mission effectiveness. In addition to issues around the baseline capabilities of troops, it can also be difficult to generate the change in operational culture necessary to make the mission more effective, particularly for objectives like the protection of civilians, in contingents that have already spent considerable time deployed under the previous leadership and CONOPS. Thus conversion from a regional peace operation to a UN peacekeeping mission can create additional challenges for the creation of an effective force capable and willing to protect civilians.

Findings

Translating mandates into plans for effective action. Those involved in developing Council mandates and UN resolutions assume that Council instructions to peacekeeping operations to take on a mandated task—such as the protection of civilians—will produce results on the ground. Many observers and practitioners are surprised by how difficult it is to translate some Council mandates into tangible effects in the field. As demonstrated in this chapter, a major component of the problem is the planning process.

The United Nations does not appear to have an effective way to translate mandate instructions to protect civilians into the animating elements of a mission. As described, DPKO lacks planning tools to design, resource, and deploy missions capable of implementing Council mandates to protect civilians under imminent threat or specific subsets thereof, such as sexual and gender-based violence. More fundamentally, DPKO does not appear to have a codified understanding of what protection of civilians actually means for planning purposes, including ways to develop plans around the variety of protection tasks that are derived from mandates.

This examination of the key points in planning demonstrates how difficult it is to follow as a process and thus to determine what key areas should address the protection of civilians. At least two issues are obvious. First, for those in the planning process, there is no easily operationalizable definition of protection of civilians that can be imported into mission planning. To some degree this is understandable given the complexity of the challenge of protecting civilians and the political issues at play, but it

compounds the lack of preparedness and makes it difficult to address the protection of civilians with existing tools designed to prepare personnel and leaders for missions. Second, for those outside the DPKO planning process (including many within the UN system and key Member States), it is challenging to understand the mission planning process and determine whether or how it should be adjusted.

Identifiable pivot points in planning. This chapter has identified critical junctures—pivot points—at which the protection of civilians should be integrated in the assessments and planning for missions. It has highlighted:

- the *Strategic Assessment,* where planning begins;
- the *USG's Planning Directive,* which forms the bridge from the strategic objectives identified by the Secretary-General to subsequent operational planning;
- the *TAM Report*, which checks draft plans against the realities on the ground;
- the *Secretary-General's Report* to the Council, which shapes the mission mandate and structure in its core document;
- the *military CONOPS,* which shapes all aspects of the military component, from resources to logistics to ROE; and
- the briefings to TCCs, as a means to ensure the contingents deployed to the mission are able, willing, and prepared to implement the POC mandate.

There are good arguments for additional pivot points, but the above selection is indispensible if missions are to be deployed with the requisite authority, willingness, knowledge, and capacity to protect civilians.

The gap between military and civilian planning capacity for UN peacekeeping. The gap between military and civilian planning capacity for UN peacekeeping operations is a serious impediment to improving the effectiveness of missions to protect civilians. DPKO has virtually no civilian planning capacity; as of mid-2009, it had only been provided resources to employ one dedicated full-time civilian planner. Interviews and internal reviews clearly indicate that the unfamiliarity of civilian staff seconded to planning teams with the planning process for peacekeeping missions undermines their ability to fully contribute, at times resulting in unfor-

tunate delays and a failure to progress through the steps of the process. To help ensure that integrated processes begin to generate integrated outputs, an increase in the number of dedicated civilian planning staff is required. Ideally, additional staff should be recruited from across the range of UN offices, programmes, and agencies that participate and contribute to planning under the IMPP framework so that they can act as informal interlocutors with those organizations during the planning process.

Integrated mission planning addresses only part of the POC challenge. The greater involvement of civilian mission components, humanitarians, and the UNCT in the mission planning process has not resulted in sufficient clarity about the concept of protection of civilians, or coherent planning to operationalize it in the field. The enduring conceptual and practical gaps have an impact on the framing and analysis of the challenges, and on the development of key elements that support missions, including but not limited to the Draft Mission Plan, the Security Council mandate, and the military and police CONOPS.

Clarity within the mission is the key to integrated approaches to protection. If missions and their components—including the military and police—do not understand their role in providing physical protection for civilians before they deploy, they will struggle to address this fundamental challenge once they reach the field. Further, if the mission lacks clarity about its core protection of civilians role, it will prove difficult to develop coherent approaches with partners outside the mission, including humanitarians and the UNCT. In particular, if the military and police components lack clear understanding of their own roles, they will not be able to identify where and how they can cooperate and coordinate with other protection actors. Likewise, the shortfall in civilian planning capacity noted above makes it difficult to integrate POC activities led by different components into a coherent whole.

DPKO must therefore develop an operational definition of protection of civilians for peacekeeping missions—one that describes who is to be protected, from what kind of actors and threats, and by what means. Such a definition can be developed generically and adapted to specific mission circumstances, but these basic questions must be answered before missions are deployed.

Clarity for the military and police components requires more than a checklist. This study did not find that countries contributing police and military peacekeepers have an understanding of the implications of the protection of civilians role for how their contingents are trained and equipped, or the need to be capable of robust operations. It is in part the responsibility of DPKO to go beyond listing activities expected of uniformed peacekeepers to carry out and the desired end state: CONOPS should identify how those activities (including presence and patrols; reporting; mobile operations; cordon-and-search operations; the defence of a village; and area domination) will be linked together to achieve the objective of protecting civilians. In addition, CONOPS should give some indication as to how the execution of routine military activities must change in order to achieve the protection goal (for example, patrols through villages without interacting with civilians are not helpful; peacekeepers will need to communicate with the local population to understand the situation and threats facing civilians).

Changing nature of peacekeeping operations: management and resources. Peacekeeping operations are no emergency operations deployed on short notice for brief periods of time. Rather, they are increasingly long-term efforts that go beyond monitoring of cease-fires to support nation-building, governance, and peacebuilding. Likewise, the personnel and leaders in these missions are increasingly serving for years, not months, and often in multiple missions, creating a distinct peacekeeping 'career'. Separate from this study is an inquiry into the 'professionalization' of such peacekeeping efforts and their personnel, which, in turn, would support the establishment of practice and standards, including preparation for missions that address the protection of civilians.

Protection should be operational for peacekeeping missions. When it comes to the protection of civilians, one size does not fit all. DPKO suffers from gaps in two areas of effective mission planning and preparedness: 1) its own planning templates for mandated missions with different kinds of protection of civilians language; and 2) more general preparedness tools (such as doctrine and training materials) to support missions with specific mandates, in concert with troop- and police-contributing countries and other Member States.

Information analysis. Mission planners need a good analysis of the nature, intensity, and politics of threats to the population in order to assess the role a UN peacekeeping operation can play in addressing them. This is an area where UN agencies with relevant knowledge or expertise—including UNIFEM, OCHA, UNHCR, and UNICEF—already offer invaluable insight of which planners could make fuller use. Moreover, to ensure that the differential impacts of threats on various segments of the population—sexual and gender-based violence, for example—are adequately addressed, planners should tap the knowledge of specialized agencies at the early stages of the planning process.

Specific capabilities are required for the military component to protect civilians. The protection of civilians may drive a number of unique requirements that need to be addressed during mission planning, and certainly prior to the arrival of uniformed contingents in the mission area, including:

- pre-deployment training elements about unit tasks (either literal tasks or discussion of the framework in which the contingent will be operating).
- sustainability elements (the MOU may need to identify contingencies that will require a change in the deployment configuration, and if so, ways to address any new requirements).
- mobility requirements (if the mission is to protect civilians, civilians may be located beyond the immediate area of deployment and require either longer-range patrols, short-term deployments, or the capacity of the troops to respond swiftly and effectively).
- auxiliary needs (such as language capacity and communications equipment).
- intelligence and analysis capabilities to better enable preventive action by peacekeeping forces before crises occur that threaten civilians and the peacebuilding process.

The protection of civilians must be part of an overarching political strategy. United Nations peacekeeping missions are fundamentally political endeavours and, as argued in Chapter 1, the protection of civilians is intrinsic to their efforts to build sustainable peace and stable, legitimate states. As such, UN peacekeeping strategies to protect civilians cannot be developed independently from strategies to support peace agreements,

assist in organizing elections, monitor and advocate for human rights, support humanitarian access, enhance effective governance, rebuild the rule of law, or the myriad other peacebuilding tasks UN missions undertake. Mission planners must ensure at each step of the process, and particularly at the pivot points identified in this chapter, that the political ramifications of threats to civilians are accounted for and vice-versa, and that the complex relationships between the security of civilians and other factors covered by the mission mandate are reflected in their analysis and plans.

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CHAPTER

The Field: Peacekeeping, Protection of Civilians, and Humanitarian Actors

4

> "We are a peacekeeping mission, not a civilian protection mission."
>
> *—Force Commander, UN mission*

Introduction

Fundamentally, the protection of civilians (POC) is a job in the field, where interpreting and implementing Security Council mandates is the role of UN peacekeeping operations. More than 116,000 peacekeepers are currently serving in 15 missions worldwide. Millions of people live in insecure areas where these missions are deployed. A common perception—held by many in local and international communities—is that peacekeepers arrive primarily to protect civilians. In many cases, however, a UN mission is sent to areas still torn by conflict and strife, where peace is fragile and ceasefires tenuous.

With more than 90%[1] of peacekeeping personnel—civilian, military, and police—serving in missions mandated to protect civilians, UN missions represent the highest-profile and most tangible evidence of the institution's commitment to fostering global peace and security. Often humanitarian and human rights workers—almost always present before a mission deploys—are hopeful that peacekeepers can offer additional support and security. And while the attitudes of the host nation government and its neighbours may vary considerably, the hopes of civilians for an end to war often lie with peacekeeping missions.

In the process of conducting the research for this study, the authors encountered many dedicated individuals who persevere despite a lack of clear guidance or leadership. Some of them have taken the initiative to

[1] The figure is based on statistics of UN personnel (uniformed personnel, international civilians, and local civilians) operating in 15 peacekeeping missions, excluding two special political or peacebuilding missions—the UN Assistance Mission in Afghanistan (UNAMA) and the UN Integrated Office in Burundi (BINUB). For details see 'United Nations Peacekeeping Operations: Background Notes,' 31 August 2009.

develop new tools, and all of them need help from the rest of the institution to better fulfil its ambitions.

This chapter

This chapter looks at how UN peacekeeping operations implement POC mandates in the field. Its goal is to identify and explain the realities facing those leading, conducting, and working alongside UN peacekeeping operations. The chapter looks at four key missions whose mandates include POC elements:

- The United Nations Mission in Sudan (UNMIS)
- The African Union–United Nations Hybrid Operation in Darfur (UNAMID)
- The United Nations Operation in Côte d'Ivoire (UNOCI)
- The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)

Notes on methodology and scope for field research: Research for the case studies included field visits conducted between November 2008 and March 2009. The analysis is based on information gathered from interviews conducted during the visits as well as desk research.

The terms of reference for the study specified a dual focus for the field research:

- first, to assess the activities of uniformed personnel, i.e. the UN peacekeeping force and police; and,
- second, to examine the political dimension of the mission and the steps the non-uniformed civilian personnel have taken to promote the protection of civilians mandate.

Given this focus, the research team took, as one central strand of enquiry, the development of comprehensive, cross-mission strategies for POC by uniformed and non-uniformed actors. Chapters 2 and 3 identify gaps in both planning and preparedness for POC within missions. Further anecdotal evidence and discussions with the UN Department of Peacekeeping Operations and the UN Office for the Coordination of Humanitarian Affairs (OCHA) also highlighted that missions had no standard approach to the protection of civilians, nor to designing such strategies.

Prior to carrying out the fieldwork, therefore, the research team developed a set of 'ideals' for cross-mission strategies:

- Mission leadership and engagement with the POC issue are critical to the generation of a cross-mission strategy.
- Mission strategies should have an internal logic, detailing roles and priorities for different mission components.
- Protection strategies, by definition, must be underpinned by analysis of the threats and vulnerabilities of the civilian population.
- Protection strategies should include a component of crisis response—that is, a plan to predict and deal with escalations of violence—as well as day-to-day operational activities.
- Given that primary responsibility for POC remains with the host government, protection strategies should ideally be conceived in conjunction with government bodies as well as humanitarian protection actors, while recognizing and utilizing a mission's particular assets and aiming to maximize complementarity and coherence. Perfectly integrated strategies might be envisaged in genuinely stable, post-conflict conditions. In the environments into which UN peacekeeping operations are deployed, however, the most likely scenario is one in which relationships are in a state of continuous renegotiation, information is shared on the basis of trust, and strategies are coherent whenever possible.

The research team did not set out to investigate in detail the specific strategies of individual substantive sections such as child protection or human rights. The team did, however, carry out extensive interviews with members of these sections, as well as other mission civilians, UN Country Team (UNCT) members, and humanitarian actors to understand the relationships between various protection actors and views on their contributions to a holistic implementation of the mission's protection mandate.

Chapter structure: Chapter 4 is divided into five main sections. The first is an overview of each case study mission, its context and latest protection mandates. The second looks at how individuals and groups within each mission expressed their own views on protection and how they related Security Council mandates on protection to their own roles. The third section examines 'technical' issues within each mission: how mission structures specifically support POC, including the cross-mission communication and interface with the humanitarian protection actors. It then looks at

how these structures support information collection and analysis towards the implementation of POC activities or strategy. For each mission, it explains the specific role of uniformed personnel. The fourth section looks at 'notable practice' in the field, including a strategy developed by UNMIS subsequent to the field visit. The final section offers summarized findings.

It is important to note, as was stated throughout the field interviews, that this study is not, and should not be construed as, an evaluation of mission performance—either generally or in any specific situation. The field visits offer only a limited glimpse of each mission context. A key intent of the field visits was, however, to derive lessons from each mission for the general approach to POC.

Mission overviews

This section offers brief summaries of the case studies at the end of this volume. These case studies review all data made available to the authors on the four missions, with a focus on their POC mandates.

The UN Mission in Sudan (UNMIS)

UNMIS was established in 2005 to support the implementation of the Comprehensive Peace Agreement (CPA) that had just been signed between the Sudanese government and the Sudanese People's Liberation Movement, ending a civil war that had raged for decades, cost millions of lives, and displaced more than four million people. It was originally envisioned by the Secretariat as a Chapter VI observer and verification mission; however, the Security Council included a clause under Chapter VII in resolution 1590 (2005) that directed UNMIS to protect civilians under imminent threat.

The documented POC history of UNMIS in Southern Sudan is relatively limited and focused on attacks by the LRA as well as more recent events in Abyei. UNMIS is unique, however, in having a substantive POC section in the mission. The rationale for the establishment of this section dates back to 2005, when its primary function was to improve coordination and strategy of protection actors for the Darfur region of Sudan. Just before the creation of UNAMID in Darfur, the key role of the Protection Cluster lead for Darfur had been transferred to UNHCR. Although previously responsible for the whole of Sudan, the POC unit had, until this

transfer, spent 'the majority of its energy' on Darfur.[2] As such, the unit was in a process of reorientation at the time of the visit, adjusting to a focus solely on the geographical operational areas served by UNMIS. Since shortly after its inception, the POC unit concentrated on the coordination of humanitarian protection activities.

In late 2009, UNMIS had an authorized strength of 10,000 troops. Mission leadership has given the issue of protection a relatively low priority. That said, the fragility of the CPA and the 2008 violence in Abyei have drawn attention to POC within the mission.

The African Union/United Nations Hybrid Operation in Darfur (UNAMID)

UNAMID is the youngest mission of the four and a hybrid operation, having taken over formally from the African Union (AU) mission in Darfur in January 2008. Following the Darfur Peace Agreement (DPA), a partial peace deal struck in 2006, UNAMID was authorized as one of the largest peacekeeping missions to date—19,555 troops and 19 Formed Police Units (FPUs)—with a mandate expressly stating the protection of civilians as a top priority.

The Darfur region in western Sudan has been consumed by conflict since 2003, causing the death of hundreds of thousands of civilians. The study visit took place in the context of an ongoing and massive humanitarian response targeting 4.71 million beneficiaries, including 2.75 internally displaced persons (IDPs). International outcry and accusations of genocide have highlighted the suffering of the population. Darfur has long been classified by the humanitarian community as a 'protection crisis' and, along with eastern Democratic Republic of the Congo (DRC), has probably had the highest level of media and political attention to civilian insecurity. UNAMID's mandate—as laid out in resolution 1769 of 31 July 2007 (and reiterated in resolution 1828 one year later)—provides a Chapter VII mandate to protect civilians that is among the most explicit ever provided by the Security Council.

UNAMID is unique in the depth and breadth of attention to POC in the mission-planning phase. In addition to its specific context, the fact that UNAMID is a relatively young mission makes its planning and original deliberations highly relevant to this study. The following points are germane to the POC discussion:

[2] Author interview with senior POC unit staff.

- Planning documents from 2007 list the protection of civilians as the first of two twin objectives of the mission, the second being the implementation of the DPA.
- From an early stage, this planning envisaged a robust and mobile force with the capacity to pre-empt violence and provide broad area security for civilians and humanitarian workers.
- Although not operating under an executive policing mandate, the use of FPUs to patrol in IDP camps was envisaged early in UN planning.
- Humanitarian agencies were heavily involved in the mission planning and in advocating for particular mandate language.
- Tensions were acknowledged before UNAMID deployment, including:
  - The basis of the mission's deployment in support to implementation of the DPA was unpopular among IDP communities with which the humanitarian community worked.
  - The mission was also presumed to be in a cooperative relationship with the Government of Sudan (GoS), but recognized that 'forceful action' in response to attacks on civilians would be necessary to establish credibility at an early stage.[3] It was acknowledged that such action must be seen to be impartial and that the relationship with the government, particularly its forces and police, would be critical.

Since its original conception, UNAMID's basic planning assumptions have been severely undermined. Perhaps most fundamentally, the DPA was almost universally considered dead by the time the mission deployed. Reported obstructionism by the Government of Sudan (GoS) has hindered basic operations and the already daunting logistical challenges inherent in deployment. Well-documented delays in the deployment of troops, police, and air assets have hamstrung the mission's basic capabilities. Dozens of car-jackings of UNAMID vehicles, kidnapping of drivers, and attacks on UN staff also occurred within the mission's first year. Further, the security level of the mission was recently set at Phase IV, thereby prioritizing the use of mission resources for self-protection. Given the mandated requirement to protect UN facilities and personnel—and the slow rate of deployment of UNAMID forces—the situation forced uniformed peace-

[3] *Report of the Joint AU–UN Quick Review Mission to Darfur*, New York: Department of Peacekeeping Operations, 8–19 February 2007. See UNAMID case study for more details.

keepers to protect the mission itself first, rather than others within the area of operations. This left fewer peacekeepers available to patrol and offer 'presence' to populations. Basic actions by peacekeepers were further constricted by the lack of mobility and support.

UNAMID is the first AU–UN hybrid mission and the first UN-authorized peacekeeping operation to deploy with such strong rhetorical calls (and expectations) around the Security Council mandate to protect civilians as a core objective of the mission from day one, including physical protection from violent threats. It is also unique in that it is among the missions most ill-situated and ill-equipped to provide protection in cooperation with the host government, and that on the basis of a flawed peace agreement. In short, UNAMID is a marriage of high expectations and low capacity on protection, designed—despite good intentions—without the ability to succeed. This is a case that too clearly demonstrates the difficulties of POC when the basic premise for a peacekeeping mission does not exist, the concept of protection is not clarified, and the ability of the mission as a whole and as a potential source of security is barely given a chance to succeed before it deploys. The field visit took place 11 months after UNAMID's deployment and against this backdrop of immense and ongoing challenges for UNAMID staff.

United Nations Operation in Côte d'Ivoire (UNOCI)

As detailed in the case study, UNOCI was mandated under resolution 1528 (2004) primarily to assist in the implementation of the 2003 Linas–Marcoussis Agreement, which created a Zone of Confidence between areas in the South controlled by the National Armed Forces of Côte d'Ivoire and areas in the North and West controlled by the Forces Nouvelles. Since its inception, the mission has been entirely mandated under Chapter VII to protect civilians under imminent threat of physical violence. According to an early Operations Plan, issued by UN headquarters in 2004, UNOCI was to focus on security along the Zone of Confidence and to provide support to the disarmament, demobilization, and reintegration (DDR) sites. The Operations Plan included the protection of civilians as a military component task.

Since the signing of the Ouagadougou Peace Accord by the Ivorian government and regional leaders in 2007, the context of the mission has changed significantly. The mission is now mandated to provide security for the peace process by supporting host country institutions. This includes

assistance to a variety of actors in the security sector, including government forces and joint units composed of government and Forces Nouvelles elements. At the time of the research visit, the mission had a total strength of 9,048 total uniformed personnel. Under its new auxiliary role, senior mission leadership has given POC a relatively low priority.

United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)

MONUC was established in 1999 and deployed to the DRC as an observer and monitoring mission following the Lusaka Ceasefire Agreement that ostensibly brought to an end the Second Congo War. Although the war began in 1998, when Rwanda and Uganda invaded the DRC, it was really just the latest round in a cycle of violence that began with the 1994 Rwandan genocide. The conflict that ensued drew in six other African nations, claimed millions of lives through its indirect impact, and has come to be known as 'Africa's World War'.[4] The DRC itself is massive—the size of all of Western Europe—and hugely underdeveloped, with little functioning infrastructure of any sort. As DRC was a weak state further eroded by years of misrule and regional conflicts spilling across its borders, the withdrawal of various state armies did not end the DRC's security problems. The country's wealth of resources and minimal governance have fuelled a multitude of local conflicts that rage on, manipulated to varying degrees by both domestic and foreign actors for their own ends.

Since its establishment, the Security Council has expanded the role and size of MONUC (with an authorized strength of 19,815 military personnel) in an effort to stabilize the eastern part of the country. Its most recent mandate, provided by Security Council resolution 1856 (2008), gives the strongest prioritization to the protection of civilians of any Council mandate to date. The mission has ostensibly made the protection of civilians its top priority in an effort to address the prevalence of militias and violence against civilians.

To some extent, MONUC's redoubled focus on protection is attributable to the Security Council's reaction to recent events, including the violence in eastern DRC in late 2008, and particularly the killings in Kiwanja in November 2008 and intensifying attacks on civilians by the splintering Lord's Resistance Army (LRA) in the north-east. LRA attacks had escalated following a Ugandan operation and efforts to forestall greater violence and

[4] Coghlan et al. (2006).

displacement following the joint Rwandan–Congolese offensive against the FDLR[5] in early 2009. This violence drew attention from the international community and the Security Council.

Possessed of a POC mandate from the outset, MONUC has the richest POC history of any mission—in its thinking and its operations alike. In particular, it has had an unprecedented level of current and past engagement by the military leadership and contingents in considering the protection of civilians an aspect of their major goals. In pursuit of protection aims, MONUC military has provided physical security to vulnerable populations, supported patrols, and taken defensive and coercive action against armed groups with a historical role in abusing vulnerable groups and threatening the security of the DRC.

The mission also has a unique history of cooperation between civilians (including humanitarian actors) and the military in pursuit of protection aims: MONUC's Civil Affairs section began developing a 'joint protection concept' in 2006.

Views on protection and key issues

This section explores the different views of protection in the field, as well as how individuals and components within the missions relate Security Council mandates to their own roles. This section also draws attention to key issues, including protection as a mission priority and challenges of implementing a protection mandate.

UNMIS

Within UNMIS, POC was not expressed as a central concern of mission leadership or part of the mandate that drove noteworthy activities. While substantive sections such as human rights and child protection had well-developed programmes of work, none could elaborate how those formed part of a holistic approach to protection by the mission. Interviewees did not have a description of what the mission's plans were to 'protect civilians under imminent threat'. Some staff members expressed concern for civilian

[5] The Forces Démocratiques de Libération du Rwanda (FDLR) rebel group was originally formed by Rwandan *génocidaires* who fled the country in 1994, dedicated to overthrowing the Tutsi-dominated regime in their homeland. While the leadership remains largely composed of Rwandan-born Hutu hardliners, the rank and file are in significant part Congolese-born. They have a record of violent abuse of civilians in the DRC, including extortion, kidnapping, rape, torture, murder, and wholesale massacres. In other areas, however, they have integrated to varying extents with the local population, albeit sometimes against the population's will.

welfare in the 'three areas',[6] with a focus on conflict prevention as an element of keeping the peace agreement on track; others mentioned protection of the mission, human rights, and child protection.

The POC section was working on a cross-mission civilian protection strategy at the time of the research visit in late 2008. The strategy was being prepared centrally within the POC section in Khartoum, with support from regional UNMIS POC offices, but had not received input from external actors or been shared with other UNMIS mission components. The research team has since learned that the strategy was not implemented, but a new one was drafted internally for consideration in 2009.

Various factors influenced how the military peacekeepers saw their role—or the lack thereof. First, military personnel were not clear on the link between their mandate and the protection of civilians, reflecting a view similar to that of the senior mission leaders.[7] While the original 2005 Security Council mandate directed, under Chapter VII, the mission 'to protect civilians under imminent threat of physical violence',[8] most UNMIS interviewees saw this language as dropped into 'a Chapter VI mandate' and therefore not an overarching mission aim. This position was not useful, however, to understanding their POC role: 'The mishmash of Chapter VI and Chapter VII is not helpful to us,' stated one military officer.

Related to both the Chapter VI and VII mandate and a perceived lack of capacity, one senior military officer argued:

> Our duty is the protection of civilians. Whether we can do it or not is another matter. Within the corpus of [international humanitarian law] civilians need to be protected. 'Within capabilities' is important. There is a world of difference between this and protecting *all* civilians. We simply cannot cover all civilians.

UNAMID

Among UNAMID staff and leaders, POC was regularly cited as the core aim of the peacekeeping operation with reference to the mandate. Senior

[6] The three areas, also referred to as 'transitional areas', run along Sudan's North–South border, which has yet to be officially defined. The parties failed to resolve whether these areas would be part of Northern or Southern Sudan during the CPA negotiations. The CPA stipulates that one of the three areas—Abyei—is to have a referendum on whether to join the North or the South while the two other areas—South Kordofan and Blue Nile—are to have popular consultations to determine their status.

[7] UNMIS internal communication.

[8] Security Council resolution 1590 states: *'Acting* under Chapter VII of the Charter of the United Nations, [. . .] UNMIS is authorized [. . .], without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence' (S/RES/1590 of 24 March 2005, para. 16).

uniformed personnel commented that 'POC gives us our legal mandate to exist. Take that out and we go home.' In the same vein, a senior mission leader said, 'The ability to fulfil that [POC] role will be the yardstick against which success will be judged, right now by the people and by history.' These were representative views among senior mission staff.

When pressed, however, UNAMID personnel and leaders could not provide a mission-wide description of what its plans were to protect civilians either 'under imminent threat' or more broadly. The lack of a strategy seems to have various causes, many related to the operational environment and political context as outlined above, others related to the conceptual and overarching challenges highlighted in Chapter 1 of this study.

Interviewees highlighted issues revolving around capacity as well as conceptual confusion, preparedness, and training. A number of interviewees pointed to the extraordinary challenges inherent in the slow mission build-up, but also in the increasing use of limited capacity for force protection or protection of the mission. One staff member remarked: 'More equipment has been deployed for the protection of UN personnel [than for civilians]. Force protection is limited and increasingly called upon.'

In addition, the presumption of mission mobility and freedom of movement to carry out its mandate were undercut. For example, the Government of Sudan initially delayed the adoption of the Status of Forces Agreement (SOFA) that governs the relationship (including freedom of movement) between the UN and the GoS. In apparent contradiction to the SOFA, the GoS has curtailed UN night flights, detained UNAMID staff, and been slow to agree sites for at least one UNAMID base.[9] The mission deployed nonetheless and has faced significant challenges as a result.

As noted above, there was also internal confusion as to what protection meant, conceptually and operationally (in the field). Consequently, there was no immediate or consistent view as to what the available capacity should actually do, beyond its 'traditional' peacekeeping tasks and functions. Senior UNAMID staff members commented:

> The mission is ill equipped. There is no understanding of what POC means amongst the military on the ground.
>
> Commanders [. . .] have no guidance and therefore take different interpretations.
>
> [POC] is about security more broadly. We would do it anyway [without the mandate language].

[9] Review of confidential documents and interviews with actors in Sudan.

Another set of issues revolved around the relationship with the GoS, both in general and in the specific context of protection.

During the course of the visit, in both interviews and at public events, senior mission leadership were explicitly intent on framing their relationship with the GoS as one of partnership. The understanding that the GoS supported the mission's deployment was a condition of deployment. Such 'consent' is one of the fundamental premises of peacekeeping. The collapse of the DPA, itself only a partial deal, left the mission with the harsh reality of having 'no peace to keep'.[10] The spectre of the International Criminal Court (ICC) warrant for President Omar al-Bashir also informed the political context. In short, many found the 'consent' of the host nation and DPA-signatories, a cornerstone of the UNAMID deployment, to be illusionary. Thus, managing a mission where the government and active armed groups were widely perceived as active belligerents, rather than as primarily partners, was an early point made in many interviews within the mission:

> To IDPs, protection is engaging the government. They don't understand why the UN will never fire a shot [against the government].
>
> The mandate says 'without prejudice to the Government'. Without written guidance this gives licence to 'cow tow' to the government.
>
> There is an institutional issue here, UNAMID itself is feeling threatened [by the government].

The tension—and frustration—was perhaps summed up best by a senior officer reflecting on the incident at the Kalma IDP Camp, where an estimated 64 civilians were killed and 117 wounded when GoS forces attempted to search for alleged weapons caches:[11]

> You can come with armoured personnel carriers with full capacity but here is one guy sitting in the sun. Until he drops the string, you don't pass. We have the capacity to overrun the checkpoint, but at what cost?

The specific tension over the issue of protection must also be noted. One senior mission figure stated that 'to the government, protection is synonymous with intelligence gathering'. This UN official put forward the view that insufficient negotiation and explanation of intent had exacerbated the government's overtly negative stance with respect to POC.

[10] This expression was used by numerous UNAMID interviewees.

[11] See *UNAMID Condemns Use of Excessive Force at Kalma IDP Camp in South Darfur*, 26 August 2008.

Another set of concerns relate to intra-mission issues. In particular, UNAMID staff reported the deeply entrenched debate over mission integration. The extent of the problem became apparent in an early interview with a senior mission leader, who raised 'the poor decision' over integration as the most crippling issue facing UNAMID. He attributed the confusion over protection to 'every effort' having been made to 'keep the mission away from humanitarian issues'. He further described the role of the Protection Working Group as irrelevant given their inability to liaise with the government at a senior level.

Equally strong views were evident at the operational level. A particularly divisive topic was the presumption that the Humanitarian Recovery, Development and Liaison Section (HRDLS) would eventually supersede OCHA in its mandated humanitarian coordination function. One UNAMID staff member reported that 'HRDLS is heading for 143 staff with a view to coordinating by 2010.' Notwithstanding individual efforts to work together, including productive professional relationships between some individuals and groups, the prevailing atmosphere between the mission and the humanitarian community was strained.[12]

Clearly, UNAMID faces the same conceptual, preparation, and preparedness issues as other missions. Its additional and overwhelming challenge is striking up simultaneous, meaningful partnerships in the area of protection with both the host government and the humanitarian community. Critical in this respect are two key premises of peacekeeping: consent and impartiality, neither of which can be confidently ascribed to this context. More than anything, then, UNAMID's lesson concerns managing expectations when deployed on the premise of protection into a context where the basics for peacekeeping do not exist.

UNOCI

Within UNOCI, the issue of civilian protection was not viewed as an immediate or central concern of mission leadership (except for the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator, or DSRSG/RC/HC) or as an active part of the mandate

[12] Since the research visit, UNAMID has reported that it has actively supported the humanitarian community, particularly during the expulsion of 13 international NGOs by the GoS in March 2009. The expulsion has reportedly forced the humanitarian community and the mission to forge a stronger relationship in advocating respect for IHL, the security of NGO staff members, and the overall security of communities affected by the reduction in humanitarian services. UNAMID thus describes the relationship as 'continuously improving'. The research team was not able to verify the reports.

that drove noteworthy activities for the mission. Interviewees reported that the mission did not have any mission-wide description of what its plans were to 'protect civilians under imminent threat', a concept that was poorly understood overall; criminality was viewed as the primary threat. Mission leaders consistently argued that they were operating in a changed environment since the original UN mandate was drafted; they said that the situation had changed since the adoption of the Ouagadougou Peace Agreement, before which the relationship with the state had been more difficult, levels of extreme violence had been higher, and attacks against UNOCI had been more common.

Thus, in Côte d'Ivoire, POC is essentially treated as an issue for the humanitarian community. The Protection Cluster is headed by UNHCR and the humanitarian community, led by the DSRSG/RC/HC, sees protection as a central theme in the humanitarian plan, with a key focus on the context of IDP returns in the western area. Interviewees also reported on evacuation plans to support protection of the mission itself. An underlying question remained as to the relative stability of the country and progress towards elections, and how that would impact civilian protection. Was the country on a stable political path to peace under the terms of the peace agreement or were the earlier causes of extreme violence along ethnic and identity lines likely to cause renewed hostilities?[13] Those interviewed offered both perspectives, even as the mission worked on the assumption that the peace process would achieve its aim. Protection from more extreme violence, including that of armed groups, was seen as something that would be addressed with the support of the French Licorne forces and the backing of UN forces in Liberia, if needed.

MONUC

Within MONUC, POC remained a central concern of mission leadership and clearly a part of the mandate that drove activities across the mission: 'Before the latest resolution, POC was "one of 50 tasks" but now it is clearly a priority.'[14] This was especially the case within Civil Affairs, the military component, and the office of the DSRSG/RC/HC. The mission and its lead-

[13] There was disagreement among interviewees regarding the likelihood of resumed *identité*-based violence and the extent to which current political leaders are prepared to go back to war.

[14] Author interview, MONUC senior staff. Another senior official put forward the opinion that resolution 1856 'was a vote of no confidence in MONUC. 1794 had everything that 1856 has but 1856 has the [Security Council] imposing an action plan in the absence of one being provided by the mission.'

ers were also quite aware of the need to protect women and children, to prevent sexual and gender-based violence (SGBV), and to support humanitarian aims.[15]

MONUC leadership and staff reported on several sets of key issues related to the relationship with the government. These issues spoke to more than simply the protection agenda but were of critical importance to it, given the Government of the DRC's ultimate responsibility for protection, its relationship with MONUC, and MONUC's mandate to act in support of its forces.

In terms of the mission's 'exit strategy' and the broader political context, senior mission figures had strong views:

> [I]n creating our mandate, the Security Council's biggest mistake is presuming that 'Government' is a reality in DRC. It is not. How do you support nothing?
>
> [The *Brahimi Report*[16]] said that mandates must be realistic. Leverage is maximum when a mission arrives. [Our] lack of leverage bedevils everything.

These thoughts came in the context of the overall challenge of genuine partnership on protection issues in the longer term. Other interviewees looked even more broadly at the regional political dynamic and a perceived a lack of influence over the broader political context:

> We just saw a deal between Kabila and Kagame. When MONUC is not involved, how do we *really* understand [our own operating] context?

Conceptually and practically, there were deep-seated issues within the mission at headquarters level with respect to the protection agenda. Of specific concern were the upcoming 'joint operations' between MONUC forces and the national army, the Forces Armées de la République Démocratique du Congo (FARDC). The FARDC has a consistent record of abuses against civilians, especially when moving into areas previously held by rebel groups. Indeed, many observers assert that the FARDC and the Congolese National Police are the perpetrators of the majority of severe human rights abuses against civilians. In some substantive civilian sections of MONUC, there was significant disquiet among staff members who argued that the devel-

[15] Author interview, MONUC senior staff.

[16] *The Report of the Panel on United Nations Peace Operations*, produced by a Panel led by Lakhdar Brahimi, is commonly known as the *Brahimi Report*. See *Report of the Panel on United Nations Peace Operations*, A/55/305–S/2000/809, of 21 August 2000, ('The Brahimi Report').

opment of new operational tools (of which they were principally in favour) were dressing over deep-seated issues with the mission approach. They said that the mission's seemingly forward-thinking posture on protection was actually 'short-sighted' in that it undermined 'basic principles' of UN engagement.

Of particular concern were:

- a perceived lack of real command and control of FARDC forces that would allow joint operations to be carried out with any genuine possibility of adherence to international humanitarian law (IHL). One senior staff member stated:

  > The political conditions to go after FDLR exist. The military capacity to do so in a human rights-consistent way does not. The biggest protection issue is the [lack of] ability of the Government of the DRC to pay the FARDC, including the fast-track, integrated CNDP [rebels]. This is more important than deploying [more] troops.

- a perceived lack of attention or genuine pressure on the issue of 'vetting'[17] in the context of joint operations with recently integrated forces.
- the lack of any increase in civilian presence for monitoring, reporting, and analysing in the context of the recently mandated strengthening of the military contingent.

One senior member of staff went as far as to suggest that MONUC might be held legally accountable for atrocities carried out by the FARDC in the context of joint operations.

Similar tensions played out at field level. Many actors within and outside of the mission reported being concerned by what they called the loss of MONUC's impartial stance. In the context of joint operations, both members of the military and civilians within the mission consistently and openly referred to MONUC as a 'belligerent' force or as 'a party to the conflict' (in coordination meetings as well as in interviews).

At headquarters level, one senior military officer said that they had advocated to have the concept of protection removed from the mandate: 'Our main objective is not to protect civilians but to bring in state authority.' Similarly, they argued that MONUC's past robust efforts had had little effect: 'You can dominate a small area for a month or six months and change nothing in the overall picture.'

[17] 'Vetting' is the process of investigation and removal of known 'abusers' during the integration of Congolese forces.

Another officer was more positive, but identified serious perceived challenges concerning the implementation of the mandate. In particular, he described:

- troop-contributing countries (TCCs) as 'reluctant' to use force, believing that there was inadequate political cover from the mandate (and political backing from the Security Council).
- the agility and flexibility of the military component as 'insufficient', i.e. requiring better mobility and responsive logistics.
- poor force cohesion as a result of the variety of forces, problems with language, organization, and training differences.
- the weaknesses in the FARDC.
- that in general, the mission felt a lack of 'political cover'.

Other views varied. Among the uniformed mission leaders, POC was equated to 'defence' and 'counter-insurgency'. One contingent leader suggested he would put his own life on the line to protect civilians but recognized that his contingent had no backup, and feared his action would be for nothing. Another contingent leader opposed taking offensive action against a designated illegal armed group, viewing the action as counter-productive. Still another contingent leader argued that the UN's rules of engagement (ROE) would not allow them to take much action for POC against belligerents. Overall, views varied widely, notwithstanding the fact that MONUC is the mission with the most open discussion about and engagement with the issue.

Summary of views

In seeking to assess the implementation of Security Council mandates, this study asked interviewees to define protection in the context of their mission and to assert whether they personally drew any authority for their individual roles from any 'protection' language within their mission's current mandate.

Responses revealed multiple understandings of the concept of 'protection of civilians' in the context of a UN peacekeeping operation. These included:

- Protection is the result of all our good efforts (long-term view related to a mission's peace-building aims).
- Protection is a task, such as firewood patrols.

- Protection is the role of a specific office (such as the UNMIS POC section).
- Protection is the successful coordination with humanitarian and human rights actors external to the mission (a view espoused by some members of UNMIS).
- Protection is the role of police in a 'developed' state, but beyond the mandates of most police in peacekeeping missions.
- Protection is the host government's responsibility, so we help them be a better government (a long-term, result-oriented view held by many individuals).
- Protection is physical protection, within our constraints, but in particular against extreme violence in particular vicinities (which is why missions are deployed to certain locations) or known hotspots (as some interviewees claimed was the case with UNOCI, UNAMID, and UNMIS).

This diversity of interpretations reflects the conceptual confusion (described in the introduction to the study) that persists around the subject of protection. Notwithstanding the breadth of responses, the majority of perceptions fell into one of three categories.

Definitions of POC in the first group resemble that of the Inter-Agency Standing Committee, around which humanitarian and human rights actors have formed a broad consensus: that protection is a broad concept encompassing international humanitarian law and human rights law. In that context, a relatively small group also included refugee law; this view was largely limited to protection specialists at headquarters and in the field.

A second group of views related POC more closely to the concept of 'physical protection'. These interviewees often associate the concept with crisis response, such as the possibility of intervention in response to a certain (often unspecified) level of violence.

The third group defines POC as the inherent goal of peacekeeping and, therefore, redundant as an additional mandated task. In this conception, civilian security is ensured through the building of a durable peace and a functioning state over the long term, rather than through specific action along the way to achieving those objectives. This view was reflected by both civilians and members of the military, some at senior levels.

For those who are familiar with POC as a broad rights-based framework, the *physical* protection of civilians under imminent threat of violence is a relatively simple extension. Overall, however, non-military mission

staff and humanitarian actors around missions demonstrate little concrete understanding of the day-to-day functioning of their mission's military components nor realistic views on their capabilities with respect to POC. For those who see protection of civilians as a specific and relatively narrow concept related to physical security, there is no reciprocal logic that leads them to place, or to seek to place, their definition within a broader frame.

Also of note was the collective view of staff within specialized mission sections, including those working on child protection, human rights, gender issues, and SGBV. Almost without exception, specialist staff perceived their primary authority (or primary reference points) as deriving from Security Council 'thematic' mandates or their respective legal frameworks. For example, child protection staff referred almost exclusively to resolution 1612 as their primary focus.[18] Several referred to mission mandates as 'useful leverage' for getting their thematic mandate or area of interest 'on the table' with the host government or indeed with the senior mission leadership.

Even in the context of integrated missions, UN agency staff referred exclusively to their individual agencies' mandates. In the context of the implementation of their 'own' mandates, UN agency staff in some cases saw value in terms of the leverage that the mission could bring. For example, according to one senior agency official in the field, 'The mission gives [us] an extra level of heft: the additional capacity to advocate through the SRSG [Special Representative of the Secretary-General].' UN agency staff also saw the extra resources that missions bring with them as useful to their work. One senior UN agency representative commented that peacekeeping missions brought qualified staff to help work on technical issues without the serious challenge of fundraising for each of these posts.

Cross-mission strategies and POC roles

This section describes cross-mission efforts to protect civilians within the case study missions. For each of the four cases, the section begins by looking at how mission structures specifically support implementation of the POC mandate, including the cross-mission communication and interface with the humanitarian protection communities. It then examines how these mission structures support information collection and analysis towards the implementation of a POC 'strategy' or individual activities.

[18] See S/RES/1612 of 26 July 2005.

UNMIS

At the time of the UNMIS visit, an internal mission POC strategy had been drafted, led exclusively by the POC substantive section. Other parts of the mission were either unaware of the process or had not yet provided their input. There was a general perception that the POC section, as chair of the protection cluster, had improved coordination and created standard working practices among the child protection, POC, and human rights offices. POC and human rights staff generally felt that the POC section had a well-defined division of labour in its relationship with the human rights component. An exit strategy involving a phased handover to the human rights component had been agreed; it would be implemented once the active conflict phase in each geographical area was considered over (at which point international humanitarian law would cede to human rights law).

Individuals in the POC unit advocated emphatically against replication of this model in other missions. They said that the unit had no genuine influence on senior mission leadership, given the leadership's lack of focus on the issue. This perspective was borne out in conversation with senior mission leadership, who were unaware, at that time, of the nascent POC strategy and, in some cases, of the core purpose of the POC section. POC staff reported that, historically, their profile and their approach had given the section a humanitarian coordination focus. They argued that humanitarian aspects of POC ought to be dealt with outside of the mission. The potential benefit of having a POC section within the mission, they said, was not being realized at that time and would require staff with more 'political' rather than humanitarian experience. They added that the current format encouraged *stove-piping*[19] rather than cross-mission coherence on the issue.

At the field level, in the absence of a POC strategy or a transparent process that included them in its development, POC office staff appeared to have differing interpretations of their own fundamental role. They listed key functions as being a counterpart to human rights, reporting on violations with a specific focus on IHL as opposed to human rights law, and coordinating humanitarian protection activities. It was acknowledged that these functions did not specifically encourage interaction with military and police within the mission structures and resulted in 'missed opportunities' to do so. One POC officer said that the ongoing emphasis on

[19] The term *stove-piping* is often used by UN staff to describe a collection of 'vertical' strategies as opposed to a holistic approach.

humanitarian coordination meant that the unit had 'its back turned to the rest of the mission.' NGO representatives were complimentary about the coordination role played by the POC unit. Both NGO representatives and UN agency representatives, however, expressed a degree of confusion or frustration over the POC unit's lack of influence over the actions of other mission components. One stated: 'We want them to be an entry point to the broader mission on POC.'

UNMIS uniformed personnel. The overall military approach to the protection of civilians in UNMIS is not separated from the mission's approach. The team's visit took place in the wake of criticism over the Abyei case,[20] which had called attention inside and outside the mission to the role of the military (and, to a much lesser extent, the police) in anticipating and providing physical protection to civilians. This case raised the question of what role the military was to play, exposing confusion about the mission mandate, the ROE, and what level of force had been authorized. In short, as one UNMIS officer said, 'What are the expectations? Everyone is watching how the soldiers react. It is very hard to be responsible when it is unclear [. . .] what the expectations are.'

In addition, military peacekeepers had no specific strategies or tasks designed to provide protection. They saw their role as providing support to the CPA, bolstering the security sector through police training and other conflict prevention efforts in advance of the elections and in anticipation of a resolution of the three areas referred to above. The CPA lays out a major monitoring and verification role for the international community, largely to do with the redeployment of forces on both sides and the creation of joint integrated units composed of troops from both parties, as well as assistance with security sector reform, elections, and participation in a number of implementing bodies (such as the Ceasefire Political Commission).[21]

UNAMID

In the absence of an 'operational lead' within UNAMID, the HRDLS is the 'focal point' within the mission for information related to POC; it had authored a draft 'Mission Directive' on protection that was endorsed in

[20] For a more detailed discussion of the Abyei crisis, see the UNMIS case study.

[21] These tasks were to parallel international assistance envisioned as crucial for economic development, governance capacity development in the South, and the return of some 3.2 million refugees and IDPs to their homes.

February 2009 (see below). For the humanitarian community, protection coordination had recently passed from the UNMIS POC section, which had had responsibility for Darfur, to UNHCR as the lead in the Protection Cluster.

There is no question that the high level of tension around mission integration is one key reason for the distance between it and the humanitarian community—both in general and with regards to working jointly on POC. The relationship between UNAMID and the UN Country Team and humanitarian community is more complicated than commonly found in integrated missions. In part, this is due to the decision by the Security Council—acting on the advice of the Secretary-General and the AU Chairperson—to allow the UNMIS DSRSG/RC/HC, in his or her capacity as Humanitarian Coordinator, to retain the lead on humanitarian coordination and POC in Darfur.[22] This led to a peacekeeping mission structure that retained a discrete reporting line for the Deputy Humanitarian Coordinator for Northern Sudan to the DSRSG/RC/HC for Sudan—an UNMIS post. At this time, it was also agreed to transfer the lead for the Protection Cluster from the UNMIS POC unit to UNHCR.

This decision came about in part as a result of heavy lobbying from OCHA and the humanitarian community around UNAMID's role in supporting the DPA, given the agreement's deep-rooted unpopularity among many IDP communities with whom the humanitarian community works and its lack of acceptance among several parties to the conflict. Inherent in UNAMID's support to the DPA, commonly acknowledged as 'dead' before the arrival of mission deployment, is partnership with GoS. Complicating matters is the popular perception of the GoS as a belligerent in between short-lived cease-fires and as a perpetrator of much of the original violence and possible sponsor of a proportion of the current violence.

Another factor is the physical separation of the key humanitarian decision-makers (including OCHA, UN agency and NGO headquarters in Khartoum, and UNAMID headquarters in El Fasher). As one attempt to bridge this gap, the Deputy Humanitarian Coordinator for Northern Sudan was in the process of relocating to El Fasher and was reported to be negotiating a 'dotted' reporting line to the office of UNAMID's Joint Special Representative. During the research visit much of the substantive

[22] *Letter from the Secretary-General to the President of the Security Council: Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007, para. 61.

discussion focused on structures—'turf' and control—rather than the function of output required from the joint mission.

The history of the implementation of the cluster approach in Darfur, particularly UNHCR's role as the head of the Protection Cluster, has been highly contentious within the humanitarian community in Darfur. For internal reasons, as well as pressure from the Sudanese authorities, UNHCR had been reluctant to take on the role and only recently agreed to do so. The GoS had still not officially sanctioned UNHCR's coordinating role with non-refugees at the time of writing. The GoS maintains a highly defensive stance on protection activities, further complicating the role.

UNAMID uniformed personnel. UNAMID personnel were very clear about the POC priority of the mission's mandate, largely in response to the dire situation for IDPs, as well as in the light of ongoing banditry and criminality, various armed groups, and the threat from GoS forces. At the time of the team's visit, insecurity continued to plague the mission area and UNAMID's ability to function. This insecurity had a profound impact on the military and police and undermined the mission's ability to craft a POC strategy.

Consequences included the Phase IV security status,[23] which required the military to focus on protection of the mission itself rather than on POC or the provision of area security. This situation was further exacerbated by the fact that only about 50% of authorized UNAMID military and police personnel had deployed at the time of the visit, meaning that limited UNAMID personnel were available. In turn, the threats against the mission, the limited capacity, and the self-protection requirements further limited UNAMID's ability to patrol and access much of the region (with nearly no ability to move by air). Key enabling units were missing; forces were not yet deployed in their designated areas; and civilian insecurity remained high.

Police made an effort to provide some presence in the numerous IDP camps; Kalma camp was the only one with around-the-clock presence. Police leadership saw protection as a central theme and was trying to

[23] The UN moved from Security Phase III to IV in Darfur and from Phase II to III in the rest of Northern Sudan on 12 July 2008. The shift came in response to a number of factors, including the May 2008 rebel Justice and Equality Movement attack on Khartoum, the 8 July attack on UNAMID that killed seven and wounded more than 20 UNAMID personnel, and the ICC prosecutor's impending call for an arrest warrant for the president of Sudan. Among other things, UN security phases provide guidelines on the number of civilian UN staff allowed in an area and their travel.

increase the visibility and sustainability of their presence.[24] But the reality was that the UN Police were unarmed and required escort by UNAMID military peacekeepers or armed FPUs. The FPU component—critical to protection activities including patrols inside IDP camps and in providing protection to UN unarmed observers (military and police)—also faced obstacles to their mobility, largely because of the slow deployment of FPUs and their equipment.[25] As one senior officer stated, 'The reality is that we can't implement this order [to protect civilians].'

UNOCI

The research team found no evidence of cross-mission structures dealing with POC issues while visiting UNOCI. In one interview, however, the DSRSG/RC/HC spoke of a 'strong civilian protection culture in the UN [Country Team] and a whole system of protection monitoring'. He added that the focus on protection 'does not derive from the Security Council mandate, but [UNCT's] own instinct' in the context of the response to the IDP situation. Côte d'Ivoire had an active protection cluster, chaired by UNHCR and closely followed by OCHA.

UNOCI uniformed personnel. UNOCI's military approach to the protection of civilians is driven by the mission's general approach, which is based on the Ouagadougou Agreement and the UN's role of 'accompanying' the government. Since the Agreement, the mission has focused on working alongside the host nation, not in the lead. Even with UNOCI's Chapter VII mandate to protect civilians (and UN personnel), the mission leaders do not believe that either systematic sources of civilian insecurity or the possibility of a resumption of greater violence are an imminent threat; as a result, these are not identified as the basis of the military's planning.[26] UNOCI consists of a large force that conducted numerous patrols; however, few IDP camps or sites were easily identifiable as vulnerable.

[24] One official pointed out that the 'police mandate only uses "protection" in the respect of human rights. However, it's such a central theme that it's inherent in all activities.'

[25] At the time of the field visit, few FPUs had been deployed and fewer had the equipment required to carry out their responsibilities.

[26] One UNOCI official said: 'Post-Ouagadougou, everything is through compromise through government [. . .]. The SRSG has said that if civilians are under threat we will intervene. That said, the mission is not taking the lead, it is in a support function.' It is worth noting that UNOCI is also charged with protecting the population from SGBV, addressing the needs of children, supporting IDP and refugee returns, and facilitating the provision of humanitarian assistance.

The 2004 issuance of a warning by the UN Special Adviser on the Prevention of Genocide regarding the signs of potential extreme violence does not seem to have had direct bearing on the mission.[27] Yet UNOCI military personnel argued that in cases of extreme crisis, the mission would protect civilians; they pointed to the backup available from the French Licorne force as well as the UN Mission in Liberia, UNMIL.[28] One senior military officer suggested, however, that the lack of a strategic reserve meant their focus was on deterrence by presence. Yet interviewed military personnel described the ROE as restrictive and not necessarily allowing the use of force to protect civilians.[29] The police were engaged in a great deal of activity, but were not well-informed regarding what protection meant for them.[30] Thus, some interviewees reported that the mission was undermined by the political agreement, which does not address the needs of civilians, and that the planned elections could set off violence that the UN was ill-prepared to prevent or halt. UNOCI shows few signs that it is strategically ready for such violence, given the reactive stance of the military and police, which define their role as supporting the governments forces.

MONUC

Within MONUC, the (enduring) energy behind the operational approach and tools has come from the office of the DSRSG/RC/HC and Civil Affairs.[31] These efforts were joined, however, by the Force Commander and, particularly in light of the revised mandate of Security Council resolution 1856, the SRSG. At the time of the visit, an adviser within the Humanitarian Coordinator's office was driving the production of a mission-wide POC strategy/policy paper at headquarters level.[32] The office had also developed a number of field tools, including a handbook of tactical guidance for

[27] The Special Adviser warned that hate speech was a crime under the jurisdiction of the International Criminal Court and cited a rise in incendiary hate speech, the firing of a television station owner by President Laurent Gbagbo, the government-backed Young Patriot rebels in the street, and ongoing issues of citizenship. Author interview.

[28] It is not clear to what extent this understanding is shared by senior leaders or the Licorne leadership, or whether memoranda of understanding on backup arrangements have been drawn up.

[29] The ROE seem to mirror ROE that were used in more active missions, such as MONUC.

[30] FPUs were supposed to assist with crowd control; they were described as often lacking the necessary skills, training, equipment, and language skills to do so. Interview with an official of the UNOCI police component.

[31] Subsequent to the research visit, MONUC reported a change in structure. Most of the sections of the mission involved in protection activities (except for Civil Affairs) now fall under the purview of the DSRSG–RoL (Rule of Law), who now oversees human rights, child protection, police, and the new SGBV unit.

[32] The document is entitled *Joint Mission Strategy*. During the field visit, its author acknowledged that it was more of a policy paper than a strategy.

MONUC troops and police, a planning matrix for joint MONUC–FARDC military operations and the concept of Joint Protection Teams (JPTs) (both the JPTs and the strategy paper are discussed in more detail below). Interviewees reported that, despite these efforts, there was no mechanism for the discussion of POC issues at the mission headquarters level, and that information exchange only took place via the national Protection Cluster.[33]

In the central office of the eastern division of MONUC, in Goma, there was a great deal of critical thinking around the issue of POC. This interest was probably driven by the immediacy of the violence in late 2008 and the near loss of Goma to CNDP troops led by Laurent Nkunda, and to the extreme violence against civilians by the LRA in December 2008, which drew an outcry that MONUC was failing to protect civilians from these atrocities as well as endemic violence, including sexual violence, even as the government failed to act. These particular episodes of violence led the Security Council to revise the mission mandate to place an emphasis on the protection of civilians.

Civil Affairs plays a key role in organizing JPTs and in drafting 'protection planning' matrices (see below). The JPTs and joint planning matrices follow on from an established pattern in MONUC of civil–military cooperation and a 'joint protection' concept in operation since at least 2006 (see the MONUC case study for more details.) Civil Affairs, which also takes the lead on coordination at the field level, had previously co-chaired the provincial Protection Clusters in North and South Kivu, a role now carried out jointly by UNHCR and an appropriate humanitarian NGO in each location. MONUC's decision to renounce its co-chair position was taken in early 2008, after discussion with members of the Cluster. MONUC's military component maintains its participation in those Clusters through civil–military liaison officers. It is notable that the Civil Affairs offices in North and South Kivu see their role quite differently but are consistent in their view that they act as the liaison between the civilian and military components within the mission, and between the mission and the humanitarian protection community.

[33] Subsequent to the field visit, MONUC reported the development of a significant new mechanism in the context of Operation Kimia II against the FDLR in South Kivu. The DSRSG-RoL has reportedly established a Rapid Response and Early Warning Cell, a forum that brings together the full spectrum of protection actors inside MONUC, including the military component, UN Police, the human rights division, Civil Affairs, child protection, and the Joint Mission Analysis Cell. MONUC's public information office is also present to help with any needs to communicate on the protection mandate and activities. The cell meets regularly and reports to the Senior Management Group, providing both updates on emerging threats (including maps) and some suggestions for possible action. At the time of writing, the Senior Management Group, under the leadership of the SRSG, was reportedly scrutinizing how best to implement the MONUC mandate on POC. The research team was not able to verify this information.

MONUC uniformed personnel. Among MONUC uniformed personnel there was a clear focus on developing operational approaches for the protection of civilians. Given the DRC's history of armed groups, vulnerable civilians, and the extended humanitarian crisis, MONUC military leaders were acutely aware of the renewed challenge to demonstrate a POC strategy after the violent events of late 2008, as well as the intervention, alongside the Congolese Armed Forces, of Rwandan and Ugandan forces and the new 'integrated' forces of the FARDC and CNDP. These incidents drew international and Security Council attention to MONUC, and especially the role of its military and police and the force's ability to protect both civilians and the mission itself. As one military leader pointed out, 'Civilian protection very clearly moved to the top in the most recent directive.'

MONUC military leaders did not offer a strategy for protecting civilians, but rather an operational approach focused on mitigating the worst threats as they arose in different areas. Doing so involves a combination of protection through presence, 'robust' patrolling, and limited coercive actions against illegal armed groups. Actions include:

- Patrols to dominate certain areas, forcing illegal armed groups to move away from the population or risk confrontation with MONUC troops.
- Patrols to secure villages on market days.
- The removal of illegal barricades and checkpoints on civilian roads.
- Continuous sensitization mission to armed groups.
- Protection of IDP camps.
- Close monitoring of human rights violations.
- Cordon-and-search operations against the bases of illegal armed groups when they pose a threat to local civilians.
- Support to the FARDC and Congolese National Police to help expand the writ of state authority.
- Close interaction with local people.
- Regular patrols to secure key routes against illegal armed groups.
- The establishment of small temporary bases in areas of reported civilian insecurity.

To those in the field, however, the challenge did not seem 'solved' by the new Council mandate, which emphasizes the protection of civilians. While MONUC military leaders worked closely with civilian counterparts—including on the analysis of a key 'axis' in the east, of populations in at-risk

areas, and where JPTs should deploy—both the military and the police worried about overstretch in trying to address the wide range of threats throughout the mission area (primarily in the east). Further, the mission continued to face active armed groups, including the FDLR and the LRA, for which it did not have easy strategies. The plan to work with the DRC's military, the FARDC, to go after the FDLR seemed a concern to many, partly because of the inherent challenges of the mission, and partly because it set them up to work alongside the armed group that was seen to be the greatest threat to civilians in the region.

Summary: an absence of cross-mission POC strategies

None of the missions visited had a true cross-mission strategy. Various approaches and ad hoc responses had been developed and implemented and could be viewed as components of potential strategies. In general, missions faced the conceptual, capacity, and integration issues that have been described elsewhere in this report. MONUC and UNAMID were each grappling with those issues to varying extents under pressure from the Security Council to improve their protection of civilians, especially in the wake of extreme violence against the local population and even the missions. Those efforts resulted in the development of the more comprehensive approaches analysed below, including policy, guidance, and useful intra-mission dialogue. UNMIS and UNOCI were largely focused on other aspects of their mandates at the time of the field visits. Internal discussions within UNMIS have since yielded a sophisticated document (see below). Thus, at the time of the mission visits, the results were mixed. Despite the variety of efforts, no mission had a clear operational definition of POC, many faced shortfalls in capacity (particularly as linked to limited information gathering and analysis, mobility, and pre-deployment training), and the tensions inherent in integration had prevented even the most protection-focused missions from developing coherent cross-mission strategies.

Specific mission tools and strategies

Operational strategies

This section briefly describes and analyses operational strategies and notable practices from the field. Since it is difficult to isolate good practice 'out of context', an effort is made to provide contextual analysis. The example

of firewood patrols below underscores that what could be a highly effective approach in one context can potentially exacerbate problems in another, if applied without local analysis.

UNMIS and UNOCI

Within UNOCI, there was no mission-wide POC strategy. As in UNMIS, there was no apparent sense of pressure from the Security Council or international attention in response to protection challenges *in extremis*.[34] UNMIS had an internal draft mission strategy at the time of the visit; since then, the strategy was reportedly dropped in favour of a new initiative—a security concept (see below). UNOCI's protection cluster strategy of 'go-and-see visits' and 'social cohesion' in the context of IDP returns is also discussed below.

UNAMID

As described above, UNAMID's operational context generated fundamental challenges regarding the mission's ability to meet POC-related expectations. UNAMID's initiative to develop a new operational approach was issued as Mission Directive No. 1 on 23 February 2009; endorsed by Joint Special Representative Rodolphe Adada, it is entitled *Mission Directive on the Protection of Civilians in Darfur* (the *Mission Directive*). It defines the protection of civilians as: '[a]ll activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. international humanitarian law; human rights law; refugee law)' and explains that:

> While the principles of POC are based on international human rights law and humanitarian law, which are also reflected in the rules and procedures of the UNAMID Military ROE, it is necessary and timely to operationalise the POC concept and explicitly link the UNAMID Military ROE to the specific security and POC context of Darfur, including by considering the presence of other humanitarian and non-military/security actors tasked to protect and assist civilians.

The *Mission Directive* argues that joint protection requires 'timely and accurate exchange of information', for which the HRDLS—in coordination

[34] This study recognizes that UNOCI and UNMIS have their own protection challenges (as evidenced by recent fighting in Abyei); however, the international community and the media have not portrayed Côte d'Ivoire or Southern Sudan as having a recent background of extreme violence against the population.

with the Joint Operations Centre (JOC)—acts as the focal point between the mission and UN agencies. The JOC is tasked with collating and analysing the information, and providing an assessment that serves as the internal basis for responding to incidents.

The document outlines three types of POC: preventive protection, immediate response protection, and follow-up protection. It identifies 'protection actors' within the mission as the military, police, HRDLS, child protection, human rights, and Civil Affairs components, along with UNHCR, UNICEF, the UN Development Programme, OCHA, and the World Food Programme. It explicitly excludes long-term prevention from its scope, stating that it:

> deals exclusively with required immediate response to protect civilians under imminent threat, in order to bridge the gap between standard rules and regulations of [UNAMID military and police] and the identified need for explicit guidance on how to respond in the event of a specific protection incident.

However, some worrying features crop up as these concepts are fleshed out in the document. The concept of 'preventive protection' is defined entirely in terms of 'humanitarian space':

> the effective and sustainable provision of security in the operational theatre of humanitarian actors [. . .] should be considered a precondition for the effectiveness of all POC efforts by civilian actors in Darfur.

The 'immediate protection' section is organized around a list of the 'most frequent grave violations against civilians in Darfur', including:

- offensive overflights/area bombings;
- violence between two or more parties;
- shooting at civilians;
- physical assault against civilians;
- harassment at checkpoints;
- insecurity in IDP camps;
- gender-based violence (only against women and children);
- general lawlessness;
- arbitrary arrest and detention;
- destruction of civilian assets; and
- children associated with armed forces or groups.

For each 'immediate protection' category, it provides a definition, lists the protection actors involved, and identifies primary responsibility—the latter being phrased in each case as instructions to UNAMID military or police as to how they should respond to that class of violations. This approach is problematic; it is not a substitute for a coherent strategy. It prescribes mechanistic responses to incidents without the guidance needed to enable on-site military or police commanders to make context-sensitive judgements regarding the most appropriate action. In some cases, such as the response to offensive overflights, it does not account for the known limits of mission capacity (UNAMID has no air defence system). In others, such as violence between two or more parties, it fails to adequately acknowledge the political and security consequences that could result from the mission's use of force to protect civilians against a belligerent, especially the Sudanese Armed Forces. This is not to suggest that UNAMID should never take such action, but rather that this approach is unlikely to engender a change in the mission's response to POC incidents in the absence of a realistic assessment of the context in which the 'directed actions' are to take place.

The final category—follow-up protection—is defined as reporting by military and police on POC incidents to the UN Department of Safety and Security (UNDSS) and HRDLS. Notably, it states: 'Monitoring should not include conducting investigations and/or interviews with victims and witnesses.' This seems to preclude the military and police from gathering the kind of intelligence they need to understand incidents and their significance to the broader mission context (e.g. is an incident related to a migration, suggesting the mission may need to take rapid preventive action to forestall further violence?).

Summary. The UNAMID *Mission Directive* seems to be the first of its kind for the mission. The directive usefully identifies the range and kinds of threats to civilians in the mission area. While it succeeds in identifying the range of potential belligerents, as well as UN actors who may need to respond, the directive does not suggest a strategy for setting priorities in relation to the multiplicity of threats or how they may be managed simultaneously; it does not provide guidance on how to develop responses that account for UNAMID's political and military constraints; nor does it identify which aspects of this work are already being addressed by the mission and where there are gaps in its capacity. Thus, the directive does not address the immense complexities of the mission context beyond that

related to the presence of humanitarian and development actors in the area of operation. In particular, the tenuous and fluid consent from the belligerents—especially that of the GoS—makes this guidance a likely first step, but not a strategy. Clearly, the mission must determine the role for UNAMID troops and police in protecting civilians under threat—or risk finding itself in direct confrontation with parties to the conflict without a plan to manage the consequences. Further, the conflation of preventive protection action by the military and police components with the protection of humanitarian access excludes a range of potentially useful actions (such as preventive deployment or disarmament in IDP camps) that could check attacks on civilians.

MONUC

As noted above, MONUC was the scene of the most active debate and innovative thinking on protection. Collaboration between humanitarian actors and MONUC military has been a feature of the mission's working practice for a number of years. Indeed, the 2006 report of the special adviser on IDPs cites evidence of a positive effect of the interaction between MONUC military and the Protection Cluster in identifying geographical 'hotspots' and influencing military deployment patterns. This 'joint protection' work was still underway at the time of the mission visit. The practice has contributed the positioning of the approximately 38 'mobile' operating bases (MOBs) in 'high-priority' areas in the Kivus.

In one sense, MONUC's collaboration among civilian, military, and humanitarian mission staff is a positive example of the collaboration that the study set out to examine.[35] This research has found little specific evidence of new military tactics associated with the MOBs.[36] As noted in the previous section, peacekeepers deploy with a presumed deterrent effect. While patrolling and other 'standard' military activities are not 'protection' tasks per se, they demonstrate the presence of the mission, which acts as a deterrent based on the implication that it will take action if violence is observed or anticipated.

In effect, this strategy amounts to the specific geographical positioning of the 'inherent' protective effect of peacekeepers. Opinion was sharply divided on the use of MOBs in interviews. A recent Technical Assessment Mission report notes that 'the gathering of civilians around small bases

[35] A similar exchange over military deployment patterns took place during the planning process for UNAMID.

[36] The recent deployment at Kiwanja is larger and is an exception, given its proactive stance (see below).

that lack the capacity to protect them in such numbers [. . .] could leave them exposed if [the bases] redeployed elsewhere' and recommends against MONUC's longstanding use of small operating bases. It argues that such a strategy limits the effectiveness of the military component; that the distribution of small bases among the population has not facilitated the gathering of information about threats to civilians, as had been hoped, because the small size and static nature of the bases have restricted patrolling and operational awareness; and that consolidation into larger bases would allow for 'a more mobile and robust presence in key areas of threat'.[37] Some interviewees within MONUC argued in favour of fewer, more mobile bases and a 'proactive' strategy. Others provided anecdotal evidence of a positive impact: a reduction of targeted violence against people who were clustered around MONUC's small bases.

Despite calls for a more 'mobile and robust presence', and the approval of additional capacity in resolution 1843,[38] the implementation of a more 'proactive' strategy is contingent on the effective deployment of additional resources backed by an improved, critical analysis of threats.

Joint Protection Teams. Created in early 2009 in response to the POC emphasis in resolution 1856 (2008), the JPT concept was the product of the evolving thinking about POC within MONUC, driven in large part by the Civil Affairs section and the DSRSG/RC/HC's office. JPTs are designed to help military outposts—Company Operating Bases—to better understand the socio-political context around them and the threats to civilians. Composed of staff from the offices of Civil Affairs, human rights, political affairs, child protection, and public information (and sometimes humanitarian agency staff as well as *disarmament*, demobilization, reintegration, repatriation, and resettlement), they are deployed on a temporary basis not only to provide information gathering and analytical support, but also to help design context-specific civil and military measures to protect civilians and liaise with local authorities. According to the Secretary-General's reports, more than 30 JPT missions took place over the first six months of 2009 in North Kivu. A notable example of their impact was the creation of MONUC-protected safe zones to which civilians were evacuated ahead of an offensive by Congolese and Rwandan government forces against the FDLR rebel group.

[37] *Report of the Technical Assessment Mission to MONUC*, MONUC, 23 February–6 March 2009.
[38] S/RES/1843 of 20 November 2008.

JPTs are a relatively new development and, for the most part, they have been well received. The main contentious issue, again exacerbated by the context of the joint operations, was the extent to which humanitarian agencies could or should play a role. At the time of the visit, UNHCR had chosen to participate and UNICEF had chosen to opt out. Broadly speaking, protection actors recognized that the JPTs could offer a useful bridge between civilian and military components of the mission and encourage communication and joint work, but argued that they should not be used in the current environment as a bridge between the MONUC and humanitarian actors. Humanitarian agencies had a number of reservations: primarily, they raised concerns that the teams could potentially raise expectations in remote, insecure areas where only short-term deployments are possible but long-term interventions are not. They also pointed out that their temporary nature meant that sufficient resources were unlikely to be allocated to follow up.

Protection in Practice: Practical Protection Handbook for Peacekeepers. Developed in tandem with the JPT concept, and as collaboration between MONUC and the Protection Cluster, this 11-page booklet and accompanying training materials are a sophisticated and detailed attempt to provide clear operational POC guidelines for MONUC military contingents. The *Handbook* is organized around broad categories of situations commonly encountered by the mission, such as 'You are faced with (mass) violence targeting civilians, including looting' or 'Civilians/IDPs gather around your base'. It provides a list of dos and don'ts for each situation. The simplicity and clarity of the guidelines and the effectiveness of the format are notable.

MONUC POC Draft Protection Strategy. At the time of the research visit, the team saw an initial draft of a mission strategy, which was subsequently finalized. The analysis that follows is based on the later draft. Like the JPTs and the *Handbook*, the *MONUC Draft Protection Strategy* (the *Strategy*) was driven by the issuance of the new, POC-focused mandate in resolution 1856 (2008) but it also references the responsibility to protect (known as 'R2P') as part of its fundamental rationale. It details two distinct approaches to the concept of 'protection of civilians' in resolution 1856:[39]

- a *safety-oriented approach* entailing responsive actions aimed at preventing and stopping violence. This category also includes the provision

[39] S/RES/1856 of 22 December 2008.

of security for humanitarian access and states that 'the focus on security gives clear protection goals—reducing the number of incidents/attacks and promoting humanitarian access'.

- a *rights-based approach* involving remedial activities (such as ending impunity) and environment-building activities (such as promoting respect for human rights, addressing vulnerable groups, rule of law).

The *Strategy* argues that these approaches are complementary, mutually reinforcing, and require close coordination.

Although it predates the February 2009 report of the MONUC Technical Assessment Mission, the draft *Strategy* echoes one of its key arguments in referring to the 'shortfall' of troops to provide area security; it suggests avoiding the dispersion of troops in small bases and advocates intervening at decisive points. The *Strategy* also notes that abuses of civilians are predictable, and that improving the mission's ability to respond and protect involves identifying patterns of abuse and priority areas, and generating coordinated responses. It defines protection as:

> All activities aimed at ensuring the safety and physical integrity of civilian populations, particularly children, women, and other vulnerable groups, including IDPs; preventing the perpetration of war crimes and other deliberated acts of violence against civilians; securing humanitarian access; and ensuring full respect for the rights of the individual, in accordance with relevant national and international bodies of law, i.e. human rights law and international humanitarian law.

The document states that its primary objectives are reducing persistent and systematic abuses of civilians, increasing humanitarian access, and securing the population through a combination of preventive, remedial, and environment-building actions. It then discusses activities in each of the latter three categories in general terms, focusing on the principles that will guide how they are carried out.

Preventive/responsive actions include:

- an emphasis on improving monitoring and analysis capabilities to understand who commits abuses and how in order to determine trends and patterns, and thus reduce response times as well as anticipate and prevent abuses. This is to be achieved through the development of 1) operational tools to increase information sharing on 'jointly identified threats' and 2) mechanisms at the main and sector headquarters levels to gather information from all components on threats, trends,

and priority areas. Neither these tools nor the mechanisms are described in any further detail.

- improving prioritization and recommending coordinated responses through a Protection Task Force comprising MONUC military and substantive sections, UN Police, and the Office of the Director of Mission Support, including suggesting deployments for JPTs.
- institutionalizing joint planning and contingency planning for operations, especially joint operations with the FARDC.
- better coordination between the military contingent and UN Police and FPUs, particularly with regard to the division of responsibility for the security of IDP camps—external for the military, internal for FPUs.
- improved coordination between components of the mission, including—via JPTs—the creation of information gathering networks among the local population, analysing local political and social dynamics, and 'anticipating needs, and ensuring appropriate measures are taken'.

Improvements to remedial actions are described in terms of improving access to justice and rehabilitation for victims, including through the provision of compensation and assistance.

Finally, prescriptions for improving environment-building actions are based on the *Security and Stabilization Support Strategy* that maps activities in the areas of security, political work, development, and return, reintegration, and recovery.

Critically, while acknowledging the Security Council's directive to work with the FARDC, this document explicitly contemplates MONUC's potential use of force against the FARDC to protect civilians:

> Keeping in mind the potential negative impact of FARDC presence on populations, MONUC will plan its deployments according to this risk and identify possible coercive actions against FARDC elements responsible for Human Rights violations, during and after operations.

Summary. While a relatively sophisticated document, the *MONUC POC Draft Protection Strategy* constitutes more of a policy paper than a true strategy. Its treatment of the issues and potential responses is nuanced. However, its discussion of the political and security realities that confront the mission glosses over tensions inherent in 'joint operations'. These tensions were at the forefront of interviews conducted during the research visit. While elaborating a number of operating principles, the draft *Strategy*

fails to weave those principles together to elaborate a coherent approach that could be used to guide the planning of MONUC's efforts.

In the framing of its actions as 'responsive, remedial and environment-building', the draft *Strategy* echoes the 'egg model' and other protection frameworks originally conceived by humanitarian actors. Implicit within these frameworks is that they constitute a range of neutral and impartial action to enhance compliance with IHL and human rights law. The Inter-Agency Standing Committee document *Growing the Sheltering Tree* holds that these sets of activities may be run in a simultaneous and complementary fashion, and that they 'do not exclude or *a priori* contradict one another'.[40] If humanitarian concepts are in fact the basis for this approach, in the context of MONUC stretching such frameworks to include the mission's military and political objectives raises contradictions that are at the heart of the divisions over the protection concept.

Other innovative practices[41]

- In Darfur, UNAMID police and FPUs intend to set up lights and cameras around the perimeter of IDP camps to deter attacks and record information on those who would harm civilians.
- The firewood patrols initiated by UNAMID are now a familiar concept to many observers. They involve the dispatch of uniformed peacekeepers to create a protective cordon around women who venture from IDP camps to gather firewood from surrounding areas. Conceived initially in coordination between the African Union Mission in Sudan and humanitarian actors in Darfur in response to a pattern of attacks, firewood patrols can be good practice under the right circumstances. They continue to operate in some areas, though they reportedly were heavily dependent on the camp coordinators who acted as focal points for IDPs, humanitarian protection actors, and the mission. This network was largely closed down by the Sudanese authorities a few months before the research visit. In some areas where UNAMID operated with a team site and no civilian presence, humanitarian actors reported that firewood patrols allowed IDPs from one tribal group to collect wood of a neighbouring group, diminishing their resources. Such

[40] *Growing the Sheltering Tree: Protecting Rights Through Humanitarian Action*, IASC, September 2002, p. 12.

[41] Subsequent to the research visit, UNAMID detailed other instances of practice aimed at information gathering in support of POC. This includes the development of IDP profiles consolidating key facts and political developments within IDP camps, gathered through military police and civilian channels.

activities have the potential to exacerbate tensions or ignite new conflicts, and highlight the need for careful analysis of the second- and third-order effects of POC responses.

- UNAMID's Civil Affairs section is mapping migration routes as part of a conflict prevention strategy. This project involves early negotiations with nomads and farmers who could come into conflict, thus initiating mitigation strategies months in advance.
- Operation Nightflash in the Walungu area of South Kivu was noted by many as relatively successful. Initiated in early 2006, it involved the creation of static checkpoints from positions that overlooked clusters of villages and the main routes in and out of them. They were occupied through the night by 30–50 troops from the Pakistani contingent equipped with night vision goggles who also conducted limited foot patrols in the area. Spurred by an intensifying series of attacks on civilians in the area that began in mid-2005, the operation was widely credited with improving security in the villages it covered.

Emerging strategies: the UNMIS Security Concept

As noted above, UNMIS developed a conceptual framework for POC after the November 2008 field visit. Strikingly, at the time of the visit, such a concept had not been on the table and could scarcely have been envisaged. That said, it is of great significance to this study.

Officially known as the *UNMIS POC Strategy-Security Concept,* this draft represents the most sophisticated treatment of the issue of protection of civilians encountered during this research, not only in the UN system, but in general. It consists of the *security concept* itself and ten annexes:

a. Glossary of words and terms
b. Coordination mechanisms
c. Role of the SRSG, DSRSG (Political), and DSRSG/RC/HC in the protection of civilians
d. Role of UNMIS military component in the protection of civilians
e. Role of UNMIS Protection of Civilians Unit
f. Roles and responsibilities of UNDSS
g. Role of UNMIS Civil Affairs in protection of civilians
h. Roles of UNMIS human rights

i. Role of UN Police in protection of civilians
j. Role of [public information office] and media-handling guidelines in situations involving 'protection of civilians under imminent threat'

In addition, a list of outstanding issues from each section was appended. The *Security Concept* lists four goals for the document:

1. a clear exposition of the need to protect civilians in the UNMIS area of operations (AO);
2. a statement of the tasks of the major stakeholders and an explanation of their doctrine on the subject;
3. the identification of areas of uncertainty, shortfalls in capability or will, or differences in expectation; and
4. providing training scenarios for mission leadership, especially heads of office and sector commanders.

Clarity without loss of complexity. The strength of the document lies in its clear logic and organization and its active engagement with the complexities of the concept of protection in general, and in the mission's context. The document does not speak in generalities, over-simplify to mechanistic standard operating procedures, or disregard certain realities. It provides a detailed account of a general conceptual approach to POC as applied to the specific circumstances of the UNMIS area of operation.

The distinguishing elements of the concept are a concise discussion of the responsibilities of the mission; the spectrum of aggressors; and the balancing of tactical imperatives to protect civilians with the potential operational (mission-wide) consequences of such action. The latter, captured in a section entitled 'Consequence Management', marks a uniquely honest and forthright treatment of the delicate balancing act that sometimes must be struck between POC on the one hand, and the political realities on the other, particularly when host nation security forces are perpetrators.

The *Concept* then elaborates a four-phase approach to POC consisting of assurance, pre-emption, intervention, and consolidation. The annexes expand on the role that each actor can play in each of those phases as well as the coordination mechanisms to help them work together effectively.

The *Security Concept* adopts the definition of 'protection of civilians' from the 2003 OCHA *Glossary of Humanitarian Terms*:[42]

[42] *Glossary of Humanitarian Terms: In Relation to the Protection of Civilians in Armed Conflict*, OCHA, December 2003.

> A concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law. Protection involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation.

However, the *Concept* carves out a narrower meaning from this wide definition by stating that:

> The full gamut of POC is very wide. UNMIS is taking a layered approach to developing an UNMIS-specific POC strategy. Three layers of protection will be covered in the strategy: protection of civilians under imminent threat of physical violence; protection of civilians with regard to securing access to humanitarian and relief activities; and the longer-term aspect of protection in the context of Human Rights (HR) and Conflict Prevention and Management. *This concept covers the inner layer of POC within the UNMIS POC Strategy—the protection of civilians under imminent threat of violence* [. . .]. Sexual, gender or child violence will not be treated separately in this Concept as they are all forms of 'physical violence' [emphasis added].

While this *Security Concept* remained a draft at the time of the writing of this report, it is far and away the most complete and operationally sound guidance on POC encountered during research for this study.

Findings

As noted in Chapter 1 and throughout this chapter, at the most fundamental level there remains a wide divergence of views on what protection of civilians means theoretically, as an operational concept, and specifically in the context of a UN peacekeeping operation. Building from this point, numerous findings and issues are evident.

Lack of mission-wide strategy. Current operations do not have mission-wide strategies that address civilian protection, either as a day-to-day plan to utilize mission assets to reduce violence and threats to civilians, or as a plan for crisis response. Chapter 4 demonstrates that tools and strategies are being conceived and elaborated on an ad hoc basis. The UNMIS *Security Concept*, elaborated subsequent to the field visit, offers a practical template.

Leadership matters. Senior mission leadership demonstrates no consistency in either the level of understanding or relative prioritization of the issue of protection. Where leaders do grasp the issue—as in MONUC or UNOCI—at the Deputy SRSG level, plans and strategies emerge. In UNMIS, despite having a dedicated POC section, the issue of protection remained relatively marginalized due, in part, to the lack of a champion among the senior mission leadership.

Senior leaders in each mission were choosing to suppress reports on violations, rather than risk relationships with host governments. Senior civilian officials in each mission independently volunteered to show the study team detailed reports on serious protection and human rights issues in each mission area, which had been passed to the senior level and received no action.

Structures. As well as leadership, missions need structure and capacity to support and drive protection strategies. Again, no consistent approach was found across the case studies.

The UNMIS model—which features a POC section—has not yielded mission-wide prioritization of the protection of civilians but does provide capacity for coordination and reporting. Although the POC unit staff is widely respected, it sees itself and is perceived by others as having little real influence over senior mission leadership. In Côte d'Ivoire, the attention focused on the issue by the UNCT, the DSRSG/RC/HC, and active programmes by child protection, human rights, and rule of law sections, does come together in a holistic fashion and influence the activities of UNOCI's military and police components at the central level. In MONUC, the strong role played by the DSRSG/HC and his office was not widely perceived to influence the activities or offices under the DSRSG-Principal.[43]

A key role for the senior mission leader tasked with delivering a cross-mission strategy—wherever his or her office is located—is fostering strong, clear lines of communication between the military, police, and civilian components in times of crisis and in day-to-day operations. Such communication is critical to producing a coherent mission-wide approach, namely one that has an internally consistent logic, offers coherence with humanitarian and human rights actors wherever possible, and encourages consistency between civilian and military approaches to protection.

[43] Since the study visit, MONUC has reported that these POC structures and responsibilities have been radically altered. The DSRSG-Principal was replaced by DSRSG-RoL in MONUC. MONUC now has two DSRSGs: DSRSG-RoL and DSRSG/RC/HC.

Creating such a strategy requires overcoming tensions inherent in integration. In particular, the apparent contradictions between humanitarian and political and military approaches create dilemmas within such efforts. Only in MONUC did the research team encounter a serious attempt to put forward a coherent concept.

Mission civilian sections tend to focus primarily on thematic protection mandates (such as resolution 1612[44]). These mandates have sophisticated implementation structures, including direct reporting lines to senior figures at UN headquarters. Some interviewees suggested that such positive focus on thematic mandates dilutes the impetus to create one coherent strategy for the mission components and the UN family.

Information collection and analysis

Chapter 4 began by listing a number of 'ideals' for the generation of a cross-mission POC strategy, one of which is that protection strategies begin, by definition, with an assessment of threats to the civilian population. A number of models exist for such analysis, both in the humanitarian and military communities. Of particular note is the International Committee of the Red Cross's *Enhancing Protection of Civilians in Armed Conflict and Other Situations of Violence*.[45] In order to produce an assessment of such threats, a mission needs to generate information from multiple sources—internal and external—collate it, and analyse it.

While MONUC in particular developed a number of innovative tools, none of the missions demonstrated a systematic approach to information collection and analysis with respect to threats to civilian populations. Currently, such information gathering capacity is limited, with field-level data perhaps representing the biggest gap. In all of the case study missions, civilian sections—in particular human rights, child protection, Civil Affairs, and Political Affairs—held pieces of this protection information puzzle. Humanitarian protection actors, notably the protection clusters, were active and collating information within their operational areas.

It is imperative to note that in the varied contexts of integrated missions, it is impossible to predict what level of information sharing will be possible. Humanitarian agencies need to retain a clearly neutral and impartial stance. OCHA and the Protection Cluster are the appropriate conduits

[44] See S/RES/1612 of 26 July 2005.

[45] *Enhancing Protection of Civilians in Armed Conflict and Other Situations of Violence*, ICRC, Geneva: ICRC, 2008.

for information to the mission and are currently playing this role in many contexts. In some circumstances, however, humanitarian actors will take a stance, based on principle, and be less willing to share information with missions. In other circumstances, humanitarians and other actors have real concerns over the use, or misuse, of sensitive data that may also limit their willingness to share information. MONUC demonstrates that information sharing and joint working practices in the regard can be effective. The recent tensions over joint operations and over participation in JPTs also demonstrate that when the basic premises of peacekeeping, in this case impartiality, are no longer perceived to hold, information sharing suffers along with other aspects of joint work.

The need for better intelligence, specifically with reference to the protection of civilians, has been recognized by the UN, as evidenced by a report made by the Secretary-General in 2008:

> There has been an increased number of crises in the peacekeeping environment, particularly in the past two years [. . .]. Given that crisis situations endanger the lives of United Nations personnel and the civilian populations that they are mandated to protect, additional security measures are required by the military to ensure both its own protection and the security of those whom it is its duty to protect. The delivery of time-sensitive information on activities that pose a direct threat to United Nations personnel and the civilian population is therefore essential. Consequently, increased capacity is required for military intelligence, specifically the collation of military information and its analysis in order to make accurate assessments, produce sound contingency plans and protect United Nations Forces and civilians under imminent threat, and for crisis response.[46]

Nonetheless, in many mission AOs the security environment makes it impossible for non-armed actors to operate. Notwithstanding some excellent work done by military observers and some military contingents, all too often interviews revealed a lack of basic communication ability, especially a lack of common language and translators. In many of these instances, there are no civilian mission staff members at the field level who could complement or strengthen military units' efforts to collect data.

Analytical capacity is also limited. Most missions do not have a sufficient crisis analysis capacity to help them prepare for mitigating and responding to heightened insecurity, more systematic attacks, or extreme

[46] *Report of the Secretary-General on the Comprehensive Analysis of the Office of Military Affairs in the Department of Peacekeeping Operations*, A/62/752 of 17 March 2008, para. 7.

violence against civilians (emergency/contingencies). The UN Secretariat has become aware of this limitation, as revealed in the above-mentioned Secretary-General's report.[47] A Joint Mission Analysis Cell is predominantly utilized as a tool for senior management to analyse the political context. UNDSS analysis tends to look at threats to and vulnerabilities of the mission and its staff. The JPTs in MONUC are, in essence, designed to fill the gap in field-level data collection and analysis.

Although protection requires a 'field-up approach', regular consideration of threats and risks for the civilian population must be regularized at the senior leadership level within the mission, as the basis for planning and crisis anticipation and as the foundation for serious dialogue with the humanitarian and human rights community, the host government, the TCCs, and the police-contributing countries.

Overall, it is possible to state that the case study missions lacked a holistic framework for analysing threats of all kinds. Such a framework could have two parts: (1) mapping out the threats to the civilian population in the mission area and (2) examining who could be potential perpetrators and why they might act. This framework assessment is necessary to form the basis of planning and support, and to inform the mission's protection strategy within its capabilities.

The assessment should analyse what factors place civilians at risk and identify potential belligerents across multiple axes, assessing whether violence or other threats are, for example: part of the conflict (on purpose, weapon of war), related to conflict (attack on civilian village for material gain) or opportunistic or criminal. The following questions could be considered to help inform a POC approach. These categories have no legal basis and are intended only to act as a starting point for operational purposes with respect to 'imminent threat' language.

- *Widespread, opportunistic, or societal violence*. What types of factors place the population at risk? Is there widespread and systematic violence, such as sexual and gender-based abuse and assault, or attacks on women during harvest or firewood collection? Such violence may be crimes of opportunity or perpetrated by politically driven groups.
- *Intermittent, episodic, or event-driven violence*. Does violence coincide with events, such as elections, migration of one ethnic group to another region, or the completion of DDR, when former fighters return to communities?

[47] Ibid.

- *Systematic and wide scale violence*. What kind of violence may be anticipated if formerly warring parties attack civilian centres, resume fighting, engage in retribution, or attack another group? This kind of violence can range from armed groups attacking villages for supplies, to create fear in a community, or to pursue ethnic or political aims.
- *Re-emergence of war*. Peacekeepers deploy to help stabilize a peace, but there is always a risk that conflict can re-emerge. If it does, the mission may face large-scale violence or the resumption of war.

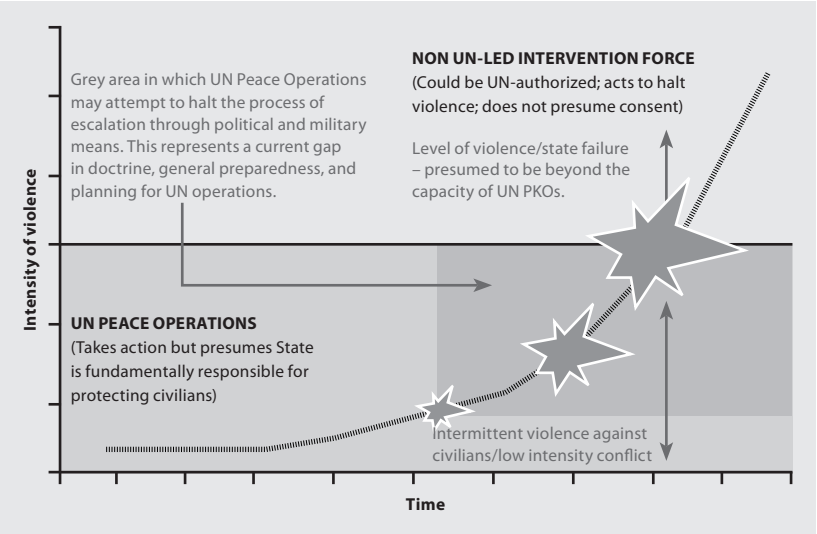
These types of questions could assist in thinking through the mission planning; they reflect the kind of analysis that has gradually been introduced in MONUC but was not as apparent in UNOCI. These examples of violence types are meant to demonstrate the kinds of problems facing missions, which UN agencies and humanitarian and human rights organizations see regularly. Strategies should be identified to address each type and existing strategies in 'thematic areas' need to be brought together into a holistic approach. In developing the assessment of the Secretary-General for a potential operation, such questions could assist those preparing the report to the Security Council to understand what it needs to address.

At the planning level, such questions can also help establish whether the host nation is a party to violence against civilians, either as an active participant or as a passive consenter; whether the host nation is unable or unwilling to halt the potential belligerents; and whether the host nation is squarely in opposition to such violence and is eagerly working to oppose its expression.

Crisis response. It is equally critical that peacekeeping missions understand their options and limitations in the event of a major crisis. Chart 1 depicts the potential for the escalation of violence against civilians in the uncertain environments into which modern UN peacekeeping missions deploy. The lower half of the chart area encompasses the violence against civilians that peacekeeping operations—at least in theory—may be able to address, circumscribed at the upper limit by the outbreak of intense, rapid mass atrocity, often accompanied by a descent into outright war and the withdrawal of strategic consent by the belligerents. Beyond this point, UN peacekeeping operations generally cease to be capable of significantly influencing the course of events.

The reality, however, is that UN missions are currently struggling to address situations well below that threshold. Ideally, missions would inter-

Chart 1 Peace operations: recognized gaps



Source: Henry L. Stimson Center

rupt the depicted escalation curve using coherent political and military strategies as part of a larger integrated response to protect civilians from violence, thereby creating space to address the root causes. While the scope of action for some missions to short-circuit escalatory dynamics is constrained by a lack of capacity, many others have the potential to do more, but they lack the conceptual tools—doctrine and planning—to apply those resources effectively. The operational approaches and conceptual frameworks associated with traditional peacekeeping (which continue to inform current operations) can be effective at lower levels of violence. As shown in Chart 1, however, a grey zone exists between those lower levels and the upper limits of violence that contemporary peacekeeping operations are mandated to address. This grey zone represents the gap in current UN guidance and planning, leaving missions to develop a strategy on site.

Addressing the violence in that grey zone requires first and foremost the information gathering and analytical capacity to identify the escalatory dynamics—a matter of pattern recognition. Once the mission is aware of the problem, it needs to determine how best to use its resources, in coordination with key partners, to alter those dynamics; in other words, it must strategize. Developing strategies is difficult; doing so in the midst of an unfolding crisis can be daunting. Thus missions must prepare for poten-

tial outbreaks of violence by contemplating the range of possible scenarios and developing plans to address them. A critical component of such strategies is to understand the mission's limitations, both inherent and capacity-driven. Although robust peacekeeping as described in the *Brahimi Report* may involve the use of considerable amounts of force at the tactical level, once major conflict breaks out or the host nation or key belligerents withdraw their strategic consent, UN peacekeeping missions are no longer appropriate to the situation. Here, too, advance planning may be useful to identify modalities for external reinforcement or replacement by a multinational force, as was the case when the British Operation Palliser assisted the UN Mission in Sierra Leone in 2000.

These assessments may be challenging, but the questions are second nature to many leaders and peacekeeping personnel, and intrinsic to what political, military, and humanitarian actors naturally focus on in any field operation. Leaders look to understand the most severe problems facing a population and to see how those concerns will be addressed by agreements for peace.

Findings and analysis specific to uniformed personnel

Mission-specific military strategy

To help develop a strategy, the military usually needs to know what implied and directed tasks must be accomplished; planners and mission leaders must identify these as mission goals become clear (see Chapter 3). Generating those answers requires answering key questions, including: What is the role of the actual use and potential use of force? How is protection of civilians defined as a military task, or a military objective? What is the institutional knowledge in the mission? How will the operational concept laid out in planning be matched with resources? What are the political drivers behind the previous conflict and the current efforts for peace?

More specifically: How is the mission to secure the population? By assuming a defensive posture around population centres, or by going after belligerents? Providing defences for dispersed rural populations demands greater resources than most peacekeeping missions possess, often leaving gaps that are exploited by determined attackers—a situation described as 'cat and mouse' by one MONUC military officer. Missions may choose to use a mixture of deterrence and coercive action against perpetrators with a history of attacking civilians, as has been successfully employed in the past

by MONUC. This approach requires the ability to dominate key geographic areas, and a solid understanding of the nature and source of the resources that those perpetrators possess. Some missions have used such strategies successfully against some types of belligerents (MONUC, the UN Stabilization Mission in Haiti, and the UN Mission in Sierra Leone, for example). A force must be prepared to take actual coercive action, although it may not be necessary.

Military leaders and their contingents offered a variety of views on the mission's role—and their own—in protecting civilians. While some suggested that the issue was about human security broadly—protection, freedom from want, support for human rights, establishment of the rule of law—most military officials interviewed about protection issues immediately cited their mandate 'to protect civilians from imminent threat' and described it as direction to offer security and to protect civilians from physical violence. Few referred directly to other specific mandate references to vulnerable groups or protection from SGBV as part of what their role in protection encompassed. Many did, however, speak about their responsibility to protect the UN mission, its sites, and personnel, as well as to support humanitarian activities.

The discussion often turned to the protection of civilians, as part of an overall mission-wide strategy and with reference to uniformed personnel's specific requirements to protect civilians from imminent threat. The interviewees did not consider the charge to protect civilians from physical harm in isolation from other goals of peacekeeping operations. Whether citing Clausewitz or their own political leaders, many military officers and contingent members frame their role as in support of a larger effort to advance a political process to stabilize peace. This point is central, as it clearly distinguishes the role of uniformed peacekeepers from military personnel who are directed to use force to take control of a country. UN military peacekeepers are not invading or fully substituting for the government; they deploy to provide support to secure an area, preferably alongside or in support of a government or legitimate political entity.

Many interviewed officers argued that they could not protect all the civilians in the area of their deployment. Many agreed, however, it was their duty and purpose to provide some security. Their caution was less a question of personal willingness to act, and more an issue of not understanding what civilian protection meant for them to do in the context of a UN peacekeeping mission. For most, the issue involved aspects of strategy, authority, capacity, knowledge, leadership, and support to achieve these goals.

Strategies and tasks

Within the military sections of missions, the role differs widely between the mission headquarters, which work at the policy level, and the contingents in the field, which are more operational. At the operational level, conducting patrols is often the daily work of the military, the bread and butter of many peacekeeping missions and the basis for reports provided through the JOC and the Joint Mission Analysis Cell to senior leaders about activities and trends throughout the deployment area.

The connection between policy and POC roles of military peacekeepers, however, is being worked out. One core challenge is defining the objective—protecting civilians—in terms that military personnel recognize and can take action to support. As one colonel said, 'The concept to protect doesn't exist [. . .] from there it becomes a problem. What's the end state? [. . .] You don't protect, you defend areas [as a military objective].'

As already noted, patrols are not exclusively protection tasks; they demonstrate the presence of the mission and imply a deterrent capacity that will take action if violence is observed or anticipated within the area of patrolling. Some patrols are specifically designed to support those at risk of attack, especially women, during routine activities such as harvests, collecting firewood, or going to the market. These patrols have grown in popularity, and have become regularized in some missions. Patrols can also be conducted along key roads by vehicle—as was the case during the team's visit to MONUC, which identified axes for regularized force presence.

Beyond patrolling, military actions include providing a greater presence in areas where higher levels of threat are anticipated, such as villages (as in MONUC) or IDP camps (as in UNAMID). Other military activities will have an impact on protection support, such as monitoring of DDR. In UNAMID, there are ambitious efforts for longer-range patrols, which require air transport. As noted above, MONUC uses both mobile operating bases to increase the range of peacekeepers and patrols, among other aims. However, despite good intentions, these approaches have mixed reviews: one MONUC civilian official referred to the mobile operating bases as 'static', for example.

One force commander grounded the protection of civilians from physical violence in designating areas where his military units could offer direct support to security. He offered the view that protection could either be achieved by moving at-risk civilians to designated areas to protect them, or by going to areas where civilians were at risk—notably villages—to protect them there. This view aligns traditional military thinking about

defending areas with that of the protection of civilians from physical harm. Others took a wider view, namely that protection could further be used to halt the action of belligerents, and not just be a defensive measure.

In short, mission strategies are grouped around the basic approach of peacekeeping: presence and patrolling. These activities are meant to act as a deterrent and to support civilian security in a region. In areas where threats against civilians escalate, the UN mission is challenged to take action beyond offering presence. Such challenges can also take the form of an illegal checkpoint whose operators tell the UN to turn around or, in a more extreme version, a request from the government to remove UN forces from an area where it aims to conduct offensive operations. In both cases, the question is how far the UN force is prepared to go to uphold, impartially, the mandate to protect civilians. In one sense, basic patrolling is connected to robust defence of civilians under threat in that the latter is implied by the former. Yet UN peacekeepers frequently identify this very link as a grey area on which they find it difficult to take a position. This uncertainty reflects questions about whether they have the authority to defend the civilians, whether they are willing, whether they have capacity, whether they know what to do, whether the strategy will work, and whether they will have backup if needed.

Without advance awareness and knowledge of tactics and strategies 'to protect civilians' defined in terms that match what military contingents and units do, missions will be forced to develop immediate responses without preparation. Certainly many units and commanders have done this with success. But interviews suggest that most military peacekeepers are not clear on how they can best offer a way to neutralize armed groups, halt their behaviour, and protect the civilians. Some argue that this is not their role or that they do not have the capacity or authority to use force to protect civilians. Other peacekeepers suggest that at the moment, the situation is confused and responding effectively is difficult due to a lack of information. Still others suggest that the lack of mobility and backup puts peacekeepers' lives at risk if they try to halt the actions of armed groups. In short, there are many potential challenges involved when a mission has to determine how to defend its position and protect civilians. In some missions, the unit or force responds by holding its position, defending civilians, or pushing back against attackers.

Thus, the simplest patrol can conjure up these dilemmas for a mission and its military contingents, especially if a mission-wide strategy does not establish early on, as part of the mission's overall approach, who is to be

protected from whom under what conditions and what the mission's peacekeepers should see as their role in that equation.

Authority and willingness

Recurring issues for missions include the interpretation of ROE by mission forces and their leaders (as well as of civilian leaders). The view of the ROE impacts the assumptions about what the mission can and cannot do. Many interviewees stated that the ROE did not allow them to use force to protect civilians, which was seen as 'inter-positional' and beyond what peacekeepers should be expected to do. Some missions had views of the ROE that the research team deemed inconsistent with a reading of the written ROE. Others cited the mission MOUs as a source of a problem with TCCs, especially if an MOU identified contingent and deployment requirements that were at odds with the expectations of a force commander or other mission leaders. In MONUC, for example, this type of disagreement impacted POC strategies when contingent units were asked to act as mobile units or to deploy for short periods to areas of insecurity. The contingents argued they did not come prepared to support their units in that manner, and that they were designed to be more statically deployed. Such issues impact the ability of missions to respond effectively to threats in the mission area.

Perhaps impacting the forces as much as the ROE and MOU, however, are the national caveats that TCCs put on the operations of their contingents, restricting them from fulfilling the roles assigned to them in the concept of operations.

To many of those interviewed, however, the bottom line is the mindset of the military and police leadership, which can affect how units operate. Indeed, there are differences among TCCs: some are more willing than others to be mobile and support civilian protection strategies (including robust peacekeeping).

Capacity

Capacity concerns equipment, mobility, training, strategic reserve, and, occasionally, external backup. Fundamentally, the capacity of the peacekeeping operation impacts its protection of civilians. This includes the ability of forces to be self-sustaining, to be mobile, to have communications, and to have the backup to support its deterrent activities. Too often, missions lack even basic capabilities and equipment—adequate maps, equipped vehicles, armoured personnel carriers, and translators.

Some mission leaders, including military leaders, argued that peacekeeping missions can and should go well beyond these basic capacities to use more sophisticated and practical approaches allowed for by many national militaries, including better information collection, intelligence assets, and technological capacities (for example, the interception and jamming of cell phone communications or the provision of satellite information).

Knowledge and preparedness

UN peacekeeping missions are a mix of traditional peacekeeping, peace support operations, peacebuilding, and other elements. Yet there is no doctrine that describes protection of civilians as a major task or objective in peacekeeping operations for military and police forces. Representatives of TCCs could not cite either national doctrine or other guidance about what POC meant. Some MONUC personnel referred to their national counterinsurgency doctrine to guide their actions in eastern DRC, for example. But of this guidance, very little is written by the UN.

Current military concepts of operations do not answer all the questions. POC literature does provide some of the theory, but not in a way that can be operationalized by the military. In some missions, a force commander's directives provide some guidance.

One interviewed colonel asked what to do if civilians flee their homes: direct them to UN bases, or keep them away? If they are fleeing and pass by with a weapon, should they be classified as combatants? Another former peacekeeping officer told the study team, 'It's even more painful to us because we don't know what to do.'

Civilian–military differences regarding administration

One recurring administration issue is the control of transportation, mainly airplanes and helicopters, that are critical for transportation within the mission area. In peacekeeping missions, there is administrative control of aircraft by civilians, outside the direct leadership chain involving the military. Further, UNDSS controls the terms under which flights are allowed to operate—often at standards set for civilians, not the military, which can be a huge source of frustration at times of risk and when crises require a swift response.[48]

[48] This concern was raised repeatedly in field interviews as well as at a May 2009 Wilton Park conference entitled 'Robust Peacekeeping: Exploring the Challenges in Doctrine, Commitments and Conduct of Operations'.

The role of the police

Within the police components of the missions visited, there was little evidence of a clear and comprehensive understanding of protection of civilians, let alone a direct approach for addressing the subject. Interviews conducted by the research team revealed a variety of opinions regarding the UN Police's role in protection as well as several issues that restrain the ability of UN Police to effectively contribute to the immediate and direct protection of civilians 'under imminent threat of physical violence'.

Civilian security is a general concern for all UN peacekeepers; however, they often deploy with an unclear vision of their role in protecting the population. One interviewee highlighted a common sentiment echoed throughout the police components of the missions visited, namely that the 'security of the population is a permanent concern [. . .] and the first problem of a police officer'.[49] Interviews demonstrated a less uniform opinion among UN Police officials regarding how to protect civilians and whose primary job it is to protect civilians. A police officer's sense of duty to contribute to the security of the civilian population is not necessarily at odds with the view that direct protection is primarily a job for the military component. As explained in Chapter 3, measures to protect the civilian population can roughly be categorized into protection from imminent threat, preventive actions, and strengthening host state capacity.[50] This categorization serves to disentangle the apparent contradictions within the police's role as a protection actor and their limited ability to directly protect civilians 'under imminent threat of physical violence'. While UN Police officers can contribute to each of these areas, the study identifies that the majority of UN Police components focus primarily on preventive measures and capacity building through their roles as advisers, trainers, and monitors. While the military component largely assumes the responsibility of intervening directly to protect civilians from physical violence, the police can play a role despite the lack of an executive mandate.

Of the missions visited, UNAMID and MONUC reflected the highest mission-wide POC profile. Within these missions, the police's role in the

[49] Author field interview with a UN Police Commissioner.

[50] Protection from imminent threat consists of more immediate and direct actions including deterrence through patrols and presence and intervention when encountering a crime, abuse, or atrocity. Preventive measures consist of actions usually undertaken in collaboration with host state police, including community policing initiatives, public information dissemination, and joint patrols. Strengthening the host state capacity consists of actions taken to monitor, advise, and train host state law enforcement officials—UN Police efforts to contribute to the longer-term security environment of the local population. Author consultation with a member of the Police Division, 27 August 2009.

direct protection of civilians involved providing security for IDPs, conducting patrols,[51] collecting information, and escorting humanitarian actors.[52] Interviews revealed that in addition to the restraints of operating under a non-executive mandate, the police component's level of engagement in direct protection is further determined by factors such as: capacity, authority (mandate), leadership, guidance (concept of operations), host state effectiveness and cooperation, the type of threat, and, finally, the prioritization of resources and focus of effort employed for protection against imminent threat, preventive measures, and the strengthening of host state police capacity. In the cases of MONUC and UNAMID, the police components have focused their efforts on providing direct physical protection from 'imminent threat' more so than most of their counterparts in other UN missions.[53] This can be attributed to a combination of the aforementioned factors, given that each mission has a mandate (and political pressure) emphasizing protection, has deployed armed and trained FPUs, and is facing a threat that demands patrols and protection for IDPs.[54]

Longer-term civilian security is a consideration for any deployed peacekeeping mission. It is important to note that each of the missions' police components identified criminality in their area of responsibility as a primary threat. The police officials interviewed emphasized criminality as much, if not more, than other potential threats, such as the arming of groups, political violence, mass mobilization, or the potential for mass atrocities. In many ways, this threat assessment (as expressed by police commissioners) supports the frequent emphasis by UN Police components on host state capacity building (monitoring, training, and advising), which contributes to the longer-term security of civilians by attempting to address criminality. Therefore, while UN Police should be pushed to protect civilians 'under imminent threat of physical violence' where appropriate and possible, longer-term approaches in contributing to civilian security remain key.

Enduring challenges for mission military personnel and police

Mission military and police personnel may be divided into those who classify POC as a primary mission objective in view of wide-scale and

[51] The police component of UNOCI also insisted on the usefulness of security patrols in deterring attacks and its implications for POC. Author interview, 2 February 2009.

[52] Author interview with MONUC police official, 27 March 2009.

[53] Author interview with police officials, 11 February 2009.

[54] Author interview with MONUC police official, 27 March 2009.

extreme cases of civilian insecurity in the area of deployment (MONUC and UNAMID) and those who refer to POC as secondary to other mission objectives (UNOCI and UNMIS). Yet even in missions where POC is considered a primary goal, personnel are struggling to set priorities and draw up mitigation strategies. As a result, and also stemming from the lack of conceptual clarity on other key issues (such as ROE and the relationship with the host nation), the missions visited had not yet developed contingency plans for POC crises.

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— S/RES/1843 of 20 November 2008.

— S/RES/1856 of 22 December 2008.

CHAPTER

Findings and Recommendations

5

> "It is the duty of an individual, moreover a soldier and a peacekeeper, to ensure the protection of a defenceless civilian population under imminent threat of physical violence. Avoiding this responsibility is to avoid one's obligation to go to the assistance of someone whose life is under threat."
>
> *—Former Force Commander, UN peacekeeping mission*[1]

Overview

Interest in enhancing the protection of civilians by UN peacekeeping operations runs deep. The research team found extraordinary resonance within the communities interviewed for this project. Whether working in New York or Nyala, serving as a uniformed peacekeeper or as a humanitarian worker, or acting as a member of the UN Security Council or as a planner in the Department of Peacekeeping Operations (DPKO), those interviewed believed that peacekeeping operations must better protect civilians.

This study goes beyond demonstrating interest in protection of civilians, however, and offers a clear picture of the challenges facing peacekeeping missions in doing so. First, this conclusion identifies fundamental concepts and findings about addressing the protection of civilians in UN peacekeeping operations. Second, based on these fundamental points, this chapter identifies the practical challenges and offers recommendations to meet them, drawing together the major analysis and points from each chapter into a broader framework.

Fundamental concepts and findings

Core to this report are the actions of the Security Council to establish the protection of civilians (POC) as a central tenet of peacekeeping operations,

[1] Confidential end-of-tour report, 2003.

thus forging a direct link to the legitimacy and credibility of the United Nations. As described in Chapter 2, the Council's attention to the protection of civilians has grown since the late 1990s, as demonstrated by thematic resolutions and regular reporting by the Secretary-General on POC. More directly, the Council has mandated peacekeeping missions to protect civilians, making it an operational requirement. As discussed at length in Chapter 3, the United Nations lacks a system of support in planning, policy, and preparedness for UN peacekeeping missions to support this mandate. In turn, as is discussed in Chapter 4, strategies to protect civilians are primarily designed in the field, both on a daily basis and as part of a potential crisis response. The results are explored in most detail for the UN peacekeeping missions in Cote d'Ivoire (UNOCI), Sudan (UNMIS), Darfur, Sudan (UNAMID), and the Democratic Republic of the Congo (MONUC), which the authors visited.

From the chapters, core points about the protection of civilians by peacekeeping missions are evident. They include:

1. **The protection of civilians is intrinsic to UN peacekeeping missions**. Missions are presumed to deploy to protect civilians, which is an enduring, implicit goal of operations, even as the host state retains primary responsibility. History has repeatedly demonstrated that the fundamental legitimacy and credibility of UN peacekeeping missions, as well as of the Security Council and the United Nations more broadly, is undermined by inaction in the face of wide-scale or systemic violence against the population in a mission area. Persistent civilian insecurity also erodes the basis for the political peace process that missions deploy to support.
2. **UN peacekeeping missions have a unique responsibility and role to play in the protection of civilians**. The nature of multi-dimensional peacekeeping missions is aimed at providing support for a stable peace, which includes an ability to apply its political and security tools to impact those who threaten civilians, as well as to build towards a positive peace and a stronger, effective state that upholds its own responsibilities to the population. Such missions, through their civilian, military, and police resources, bring certain unique capabilities:
   - the provision of physical security to the civilian population;
   - the provision of security to the UN mission, sites, and actors, including humanitarian activities;

- implementation of strategies that eliminate the ability of armed groups to threaten the population;
- the authority carried by a Special Representative of the Secretary-General (SRSG) and other senior mission leaders;
- the engagement of the UN Security Council; and
- technical expertise within substantive civilian components, including human rights, child protection, and civil and political affairs.

UN peacekeeping missions do not and cannot, however, 'own' the concept of protection. They bring their skills and assets to operational arenas in which other protection actors are present, including the host government, mandated UN protection agencies, non-governmental organizations, and the International Committee of the Red Cross. It is essential that a holistic solution be sought and that the actions be coherent and mutually reinforcing where possible.

3. **UN peacekeeping missions must do more to protect civilians**. Even with the inherent limitations of UN operations, all missions must assess the threats and risks to the population and develop mission-wide strategies that take into account those vulnerabilities. Where necessary, such strategies should include a full range of measures to support and provide physical protection, ensure security, and to support actions that eliminate the ability of perpetrators, or potential perpetrators, to threaten the population. The development and implementation of such strategies require that missions be willing to do so and perceive that they have the necessary authority; that personnel have adequate capacity and knowledge of how to achieve their strategic aims; and that each mission have the appropriate leadership.

4. **Peacekeeping operations cannot 'protect everyone from everything'—and they need to manage expectations**. Where missions have no viable strategy in the face of a failed or belligerent state, their actions will risk exhausting mission resources and abilities.

If the requisite political commitment to support the mission by either the Security Council or the parties to the peace is missing, it will undermine a peacekeeping mission's legitimate role in supporting the protection of civilians, as seen in Sudan and the Democratic Republic of the Congo (DRC). Peacekeepers cannot address all the vulnerabilities of a society, operate without some semblance of a 'peace to keep' or halt determined belligerents wholly backed by a state.

If conflict ignites, missions should be prepared to provide short-term or limited security, but they are not designed to substitute for a stronger political intervention or national military capacity. Missions need to be backed up before potential crises, which history demonstrates have struck operations regularly.

Thus, the **Council's caveats in peacekeeping mandates should help peacekeepers to protect civilians, rather than exclude such actions**. As urged by the Council, mandates to protect civilians under imminent threat of physical violence 'within capabilities and areas of deployment' and with 'respect to the responsibilities' of the host state is an ambitious call, and one that missions should assume is their role. The current vagueness in the meaning and definition of POC for peacekeeping operations impedes their ability to achieve more in this regard.

5. **The role of peacekeeping missions as protection actors must be defined for operational purposes** to clarify what missions do and what individual actors in peacekeeping missions do. This is of particular importance for those who are not technical specialists in protection, especially senior mission leaders and military officers and contingents. The lack of an operational definition and the confusion over concepts of protection undermine operations at the core level. After a decade of Council resolutions and nearly a dozen peacekeeping missions with mandates to protect civilians, inattention to the operational impact of these mandates reaches across the system.
6. **The lack of follow-up to Security Council peacekeeping mandates to protect civilians is widespread across the UN system**.

The Security Council has not demonstrated what kinds of actions or approaches it expects protection mandates to drive. The Council has not demanded clarity about the interpretation and implementation of its mandates in any consistent way, nor has it held the Secretary-General or missions accountable for their efforts (or lack thereof) to address these mandates. At the same time, the Council has used the same mandate language without concurrent and regular attention to the results and impact on populations, peacekeepers, or the missions overall. Most attention is refocused when crises strike in the field, which leaves little time to respond effectively. This approach by the Council suggests that its attention to the protection of civilians has been divided and that it does not have a clear basis by which to assess success or failure regarding its own direction to protect civilians.

After ten years of missions with POC mandates, **DPKO has not yet elaborated guidance on protection of civilians and most missions are designed without consideration of this aspect of the mandate**. DPKO further lacks a survey of UN mission leaders and uniformed peacekeepers on how they have addressed this aspect of the mission. DPKO itself has not provided consistent and candid reporting on protection of civilians within reports to the Council.

For **police- and troop-contributing countries** (**PCCs** and **TCCs**), peacekeeping tasks have grown dramatically since the late 1990s; expectations for what missions can achieve have also increased. The operational experience and national guidance adhered to by PCCs and TCCs that participate regularly in these missions has not been tapped for reflection on missions directed to protect civilians; what strategies they used; and what they found worked and did not work as part of a mission-wide approach. This knowledge needs to be applied, and the challenges faced by the more than 100 countries providing personnel must be understood.

Clearly, these gaps are indicative of the fact that moving from concept to operations is difficult. If it were easy, the Secretariat and mission leaders would have provided both policy guidance and an operational approach for each mission and its components.

7. **Leadership matters at all levels. Across the system, in the field, within the UN Member States, and on the Security Council, leadership makes a substantive difference in how these mandates to protect are perceived and implemented**. Mission leaders need to be carefully selected and better prepared; they also need to be held accountable for the production of mission-wide strategies and for reporting on their results. When leaders do not ask for results, it reduces the ability and chances for missions to achieve their aims. The Secretary-General is ultimately accountable and should also hold UN leaders accountable for securing support for the implementation of protection of civilians mandates.

Findings and recommendations

The findings and recommendations of this study address the whole system—from the considerations of the Security Council, to the planning and management of missions by the Secretariat, to the role of Member

States that provide personnel, to the peacekeeping missions and their leaders, which work to conduct successful operations in the field, and to the humanitarian and human rights communities, which participate alongside every aspect of this work. This report makes recommendations across four themes to improve the effectiveness of UN peacekeeping missions in protecting civilians:

1. Linking the Security Council to the field
2. Mission-wide strategy and crisis planning
3. Improving the role of uniformed personnel
4. Political follow-up: achieving mission aims

The recommendations under these themes are directed at the full range of actors that influence the creation, interpretation, and implementation of POC mandates for peacekeeping missions. These actors include Member States, the Security Council, the Secretary-General, DPKO, the Office for the Coordination of Humanitarian Affairs (OCHA), PCCs and TCCs, and peacekeeping missions. As described in Chapter 1, key issues cut across the POC discussion, including the political environment and policy debates that impact any UN operation.[2]

1. Linking the Security Council to the field

The 'chain' of events that lead from the Security Council to the field for delivering protection to civilians in peacekeeping missions is broken.[3]

This overarching conclusion builds from the recognition of **gaps in policy, planning, and preparedness**[4] (detailed in Chapters 2 and 3). The result is that the translation of UN mandates on protection into operational strategies is not reflected in policy guidance, nor is it built into mission planning or preparedness. Evidence also demonstrates that prior to deployment, uniformed personnel receive extremely limited training on protection of civilians from imminent threat of physical violence. Senior mission leaders and contingent commanders become the primary source of guidance and responsible for all decisions on strategies, approaches,

[2] While other related issues are important, they are beyond the scope of this report (i.e. the status of integrated missions, the responsibility to protect, and peacekeeping capacity at large).

[3] Some interviewees note this as justification for the Security Council inserting specific tasks into mandates.

[4] As described in Chapter 2, *planning* refers to the process of planning an individual peacekeeping mission; *preparedness* refers to the general state of readiness of mission components to understand and carry out mandate direction.

tactics, and techniques. While it is their role to make decisions on strategy and tactics of the mission, they are being asked to do so for mandates that are not adequately supported by the Security Council, the Secretariat, Member States, or the Special Committee/C-34 with reference to overall guidance, resources, or backup. Senior leaders are subject to the same issues of preparedness as other staff. Chapter 4 illustrates that senior mission leaders do not consistently identify the protection of civilians as a priority. Gaps are also evident in the mechanisms by which missions report back to the Council.

The policy gap

This research finds that the Security Council has used the language 'to protect civilians under imminent threat of physical violence' consistently since the Sierra Leone mandate in 1999. The Council's intent was initially clear: 'to prevent large-scale, systematic violence against the civilian population', with explicit caveats designed to temper expectations. Over time, the language to protect 'under imminent threat' has become standard for missions, and its relative prioritization, in some missions, has been strengthened. Yet no consistent understanding of what the Council *means* by protection mandates has emerged.

Further, as described in Chapter 2, the Council has implicitly used the terms of protection in a variety of ways—ranging from reference to a broad normative framework to the narrower concept of 'physical' protection offered by the peacekeeping mission's military and police assets. The Council has also employed protection in mandates to describe mission objectives or to identify specific mission tasks. At the same time, the Council has often provided direction to protect vulnerable populations, women and children, humanitarian activities, and the mission itself—instructions which have not engendered as much confusion as the 'imminent threat' language.

Despite generally consistent mandate language over time, **there is no consistent perception of Council intent among senior mission staff, either within the UN Secretariat or within UN field missions**. **Nor,** as stated earlier, **is there any operational UN policy guidance regarding interpretation of these mandates for peacekeeping missions**. A basic premise for this study was an open acknowledgement from DPKO that it did not provide adequate guidance to missions on the issue of protection of civilians. The study finds that this lack of guidance has had a major

impact on the mission planning process and in the field; this issue is indeed more than a small, technical matter.

The absence of an operational definition also reflects a major policy gap that impedes the translation of mandates into guidance, planning, and preparedness, while such a definition is needed to operationalize mandates to protect, prepare leaders, and create a baseline understanding of expectations and capacities for missions. Further, DPKO has been removed geographically and intellectually from discussions on the protection of civilians among Geneva-based protection actors and forums. While certain policy discussions have taken place between DPKO and humanitarian actors for specific contexts, there is little or no policy guidance for humanitarian actors as to how to engage proactively with peacekeeping missions and, in particular, armed peacekeepers.

Recommendations on policy

- **DPKO** should lead the development, in consultation with humanitarian and human rights actors, of an operational concept of protection of civilians to assist with development of planning, preparedness, and guidance for future peacekeeping missions. That concept should be based on the aim of the peacekeeping operation to prevent systematic and widespread physical harm to the civilian population, and supported by the anticipation, prevention, and interruption of such violence with the tools for the mission, including use of the political, military, police, and other mission resources. This concept should be developed for missions to have day-to-day strategies as well as to plan to address potential crises that put civilians at risk.
- **OCHA** should initiate a policy discussion at the global level among relevant bodies: the Inter-Agency Standing Committee (IASC), the Global Protection Cluster, and DPKO on proactive approaches to working with peacekeepers.
- **DPKO and OCHA** need to have more integrated policy discussions concerning the protection of civilians.
- **DPKO** should seize upon the recent interest and positive language from the C-34 Committee to build a wider constituency of Member States in support of policy development and effective tools.
- **DPKO** should identify POC aspects to be addressed within ongoing doctrinal development. This should include protection as a 'cross-

cutting' approach, and address the roles of civilian, police, and military as protection actors and strategies.

- **OCHA and the humanitarian community** should cooperate more closely with DPKO on planning for the protection of civilians at United Nations and mission headquarters, respectively.
- The **Security Council** should be clearer about the use of Chapter VII authority to support the protection of civilians for mandates otherwise issued under Chapter VI authority. Such 'split' mandates have created significant confusion at the field level and undermined clarity within missions regarding the role in halting violence against civilians.

The preparedness gap

When missions deploy, their leaders, staff, and seconded personnel typically arrive without prior preparation to implement mandates with a range of protection aims. Part of the preparedness gap is rooted in the 'conceptual' challenge that impedes effective planning to operationalize POC mandates. A gap in advanced preparation for non-specialist staff, including the most senior mission leadership, could also be remedied through mission training and preparation. In terms of general preparedness, a particular issue for military personnel is that the concept of protection of civilians:

- does not relate directly to standard military parlance, doctrine, or training, either from TCCs or by states that train personnel for peacekeeping.
- is not raised as an operational role specifically in UN doctrine or guidance beyond traditional training in international humanitarian law, protection of the mission and its personnel, and liaising with civilian leaders and mission components.
- is not addressed as a component (nor an objective) of UN peacekeeping operations as part of pre-deployment training for missions with protection of civilians mandates.

Nevertheless, common sense plays a useful role in sorting out the challenges of language confusion. Many of those interviewed in today's peacekeeping operations understand, in general, that the mission is there to support a range of activities to reduce violence against the civilian population. The debate is what role the mission can play, and how active a role it can take on, especially when the host government either fails to take action or is itself a cause of violence. For peacekeepers, however, it is

imperative that more clarity be brought to bear in missions. At the very least, uniformed actors need to know who is to be protected from what or whom, and with what means and what backup.

Chapter 4 recognizes a gap in the accumulation and use of knowledge and understanding of both individual mission histories and past experiences with the protection of civilians, as well as an institutional knowledge within the United Nations system of these issues more broadly. Many operations visited exhibited little understanding of what had happened in the mission areas in earlier years, including what strategies and tactics had been used and with what result. Likewise, knowledge at UN Headquarters of such protection strategies and efforts is limited, as is the ability of DPKO to catalogue and analyse the disparate data that is provided through code cables, Joint Mission Analysis Cell reports, after-action reviews, end-of-mission reports, Technical Assessment Mission reports, Inspector General's reports, and other documents produced by the mission. Too much knowledge is being lost at a time when it is sorely needed.

Recommendations on preparedness

Working with TCCs and PCCs

- **DPKO** should survey TCCs and PCCs about what they use for guidance when preparing their military and police personnel to deploy to missions with POC mandates.
- **Member States (especially contributing countries) and DPKO** should develop a matrix of existing policy, guidance, training, and doctrine that is used by TCCs and PCCs prior to deployment or is used to assist policy-makers for missions with POC mandates under Chapter VII.[5]
- **DPKO** should survey leading TCCs and the Permanent Members of the Security Council regarding their doctrinal and training views on how missions mandated to protect civilians should be carried out at all levels of leadership—mission leadership, brigade commanders, and junior officers—and of approach, such as working with other actors, command relationships, and capabilities in UN peacekeeping opera-

[5] A working group of Member States and relevant parts of the Secretariat should assist DPKO to start developing elements for doctrine, policy, and training for use to prepare for missions with Chapter VII and POC mandates. DPKO and the Military and Police Advisers of the permanent missions of TCCs and PCCs are a useful basis for such a working group; they could form a working group to further identify and engage with contingent commanders who have faced POC challenges in UN operations, conducting debriefings to capture their knowledge and experiences.

tions. The assembled material should be used in a formal process of drafting recommendations for doctrine and pre-deployment training.

- **The Under-Secretary-General (USG) for Peacekeeping and the Office of the Military Adviser in DPKO** should issue guidance on the use of force directly to the Force Commanders, police commissioners, and senior civilian leadership of all peacekeeping missions. This guidance should address outstanding issues, use anecdotes as examples of the principles laid out, and relate this guidance to the protection of civilians under imminent threat of physical violence.
- **Member States** should be clear regarding national caveats. All too often, the unexpected invocation of 'national' caveats can interfere with command and control of missions in the field, a hazard when violence escalates and peacekeepers face challenges. There needs to be greater clarity about national caveats, and **TCCs and PCCs** should have a candid conversation with **DPKO**, particularly with regard to what influences them and how they can be mitigated or avoided altogether.

Training

- **DPKO Integrated Training Service** should:

  i. identify and draft baseline elements for pre-deployment training that can be used generally to brief TCCs on missions mandated to protect civilians. Training should be administered to incoming staff officers, contingent commanders and their troops as well as those rotating to other missions, to impart how POC can impact tactics and strategies.

  ii. in concert with PCCs, ensure 'upstream' familiarization with the direct physical protection roles of police by emphasizing POC during pre-deployment and academy training. In addition, individual police and Formed Police Units (FPUs) should receive mission-specific training that addresses their role in physical protection (if such a role exists according to the mandate). This is essential since the protection role of police is dictated more by the mandate and its interpretation by the Secretariat than by pre-existing doctrine, policy, or previous training.

  iii. check the modules used in major training centres on the issue of the use of force, use of rules of engagement (ROE) and the implementation of Security Council mandates including tasks related to POC and sexual and gender-based violence.

- **DPKO** should establish a joint team at headquarters level for education and outreach. Teams could visit capitals of major contributing countries to inform senior political and military leadership and staff colleges and commanders to explain scenario training modules on the use of force and conduct of missions, including robust operations, under Chapter VII. SRSGs, Deputy SRSGs (DSRSGs), Humanitarian Coordinators, and Force Commanders should be given explicit predeployment training on issues related to the protection of civilians in armed conflict and mandate issues.
- **DPKO** should produce a clear operational requirement for protection-related tasks for units involved in implementing the POC mandate in support of TCC pre-deployment training. This requirement should be developed as early as possible and disseminated by DPKO to all participating TCCs as early as possible; any adjustments should be notified formally.
- Linked to the above point, newly arriving units deploying to undertake POC tasks should be reviewed by **Force Headquarters** against the same operational requirement provided to the TCC for pre-deployment training, and any deficiencies should be addressed. The ability to meet this requirement should be critical to a determination that units are operationally ready to undertake its assigned function.
- **TCCs and DPKO**, when negotiating memoranda of understanding (MOUs) to provide peacekeepers for missions with POC mandates, should ensure that the MOU reflects the demands of protection-related functions in the specific mission context, including, for example, high levels of mobility and self-sustainment or night-vision equipment.
- **TCCs** should ensure that deploying units are able to operate the equipment and to function at the required operational tempo described in operational requirements developed by missions and issued by DPKO.
- **PCCs and DPKO** should ensure that FPUs deploying to missions have the appropriate equipment, training, and language skills to conduct operations assigned to them by the mandate, which may include the protection of civilians under imminent threat.

Knowledge base

- **DPKO** should ensure the collection and collation of institutional knowledge of mission approach(es) to the protection of civilians. This

could include an official history of incidents and crisis responses by missions, with an evaluation of impacts and consequences, and oral histories of senior leaders with professional interviews on key topics.

- **DPKO** should develop a lessons-learned interview technique to interview former leaders on their mission experience, particularly with regard to the protection of civilians.
- **The Secretary-General and the USGs of OCHA and DPKO** should ensure that the end-of-mission report format include a section on POC for all senior staff.
- **TCCs** should make experienced contingent commanders available for debriefings on their field experiences to support the development of useful guidance or training materials, including for UN political leadership.

The planning gap

The research found that the UN mission planning process, as a system for establishing UN peacekeeping operations, is generally silent on operationalizing the protection of civilians. Police and civilian planning capacity within DPKO is limited, which also impacts how mission strategies are developed. The dearth of civilian planning capacity in particular impacts on the integration of protection strategies within the overall approach.

In general, therefore, the planning process reflects the lack of clarity over what is being planned regarding protection—as an objective or outcome of the mission, or as a day-to-day task of the operation. There is generally more support for other specific protection issues, such as child protection, given their separate substantive offices and dedicated Council resolutions, such as resolution 1261 (1999) on children in armed conflict. Overall, and for the majority of cases reviewed in this volume, little attention is devoted to the following aspects during mission planning:

- assessing and anticipating ways to address the insecurity of civilians as part of the design of new peacekeeping operations;
- recognizing that protection might require specific capacities, budgets, or personnel requirements for missions;
- revising headquarters' concepts of operations (CONOPS), MOUs with troop and police contributors, and other resource tools when protection mandates are added or changed, given the likely impact on personnel requirements, strategy, and mission assets;

- providing guidance and training for both new and experienced PCCs and TCCs, given that most states are not yet addressing this in nationally based preparation.

Chapter 3 identifies critical junctures in the planning process: **'pivot points' at which the protection of civilians needs to be better addressed in planning and preparation for individual missions**. Further, these points can be used to consider more effective planning with respect to a) overall preparedness of DPKO; b) interaction with TCCs, PCCs, and member states; and c) interaction with humanitarian actors (see recommendations on mission planning, and mission-wide strategies and crisis planning below).

Chapter 3 concludes that the Integrated Mission Planning Process, implemented for UNAMID, has not resolved how different parts of the mission should be working together with regard to the protection of civilians. There remains a lack of a mechanical 'reflex' needed to coordinate different protection actors within missions under the leadership of the SRSG with the support of UN Headquarters.

In addition, the role of the police must be better developed and a ddressed throughout the planning process. Consultations with the PCCs, for example, prior to and following development of a police CONOPS and the elaboration of a new mandate would be especially useful if police are to play a more direct role in protection—as suggested for UNAMID, the UN Stabilization Mission in Haiti (MINUSTAH), and the UN Mission in the Central African Republic and Chad (MINURCAT). Likewise, the current Standing Police Capacity, a cadre of law enforcement experts who contribute to pre-mission planning and mission start-up, could be better engaged in considering the police role in missions with POC mandates.

Recommendations on planning

- **DPKO** should ensure that full attention be paid to the protection of civilians at the earliest stages of planning, especially at key pivot points in the process, including:
  - the Strategic Assessment, where mission planning begins;
  - the USG's Planning Directive, which forms the bridge from the strategic objectives identified by the Secretary-General to subsequent operational planning;

- the Technical Assessment Mission report, in which draft plans can be checked against the realities on the ground first-hand, and the Secretary-General's Report to the Council, which shapes the mission mandate and structure in its core document;
- the military CONOPS, which shapes all aspects of the military component, from resources to logistics to ROE, and the Police CONOPS; and
- the briefings to TCCs, as a means to ensure the contingents deployed to the mission are able, willing, and prepared to implement the POC mandate.

- **DPKO** should be provided with additional dedicated civilian planning staff to improve civilian participation in and contributions to the planning process for peacekeeping missions.

2. Mission-wide strategy and crisis planning

Strategies and crisis planning

Current operations do not usually have mission-wide strategies that address the protection of civilians. Missions need strategies that include both an ongoing approach to the mission's protection of civilians and crisis response planning and strategy to address a potential escalation of violence against the population.

Chapter 2 notes that in 1999 the Security Council called for missions to adopt a joined-up approach to protection. Thematic protection resolution 1674 reiterated this language. Not until Council resolution 1870 of May 2009, renewing UNMIS's mandate, however, was there a specific suggestion for a mission to develop a comprehensive mission-wide strategy for protection of civilians. While such strategies are not yet standard practice, there is evidence that some missions are beginning to develop elements of strategies, and that this practice has accelerated since the start of this study.

Mission-wide strategies are essential. Since the host state retains primary responsibility for the protection of its population, peacekeeping missions are usually directed to work with the 'organs' of the state. At the same time, the operation works alongside humanitarian protection actors, including UN agencies and NGOs. This mix of actors requires that missions establish how to work towards complementarity and coherence with other protection actors. Where operations do not have a highly cooperative

relationship with the host state, and where that country fails to protect the population or where the mission will need to take action to provide protection to civilians, a mission cannot operate without a strategy that defines its roles and responsibilities.

After a number of years of policy-level work and negotiation in the context of humanitarian reform (detailed in Chapter 2), field-based Protection Clusters are promoting protection coordination and dialogue. Substantive civilian sections in peacekeeping missions have a strong sense of purpose, often derived from their own thematic mandates from the Security Council (in addition to mission-specific mandates). In each of the case study countries, the Protection Cluster acts, at a minimum, as an information-sharing platform and as a natural entry point for the mission to engage on protection.

Recommendations on mission-wide strategies and crisis planning

Produce a strategy

SRSGs should ensure the production of mission-wide strategies, in conjunction with the mission and the UN Country Team, in keeping with the proposed operational concept of protection of civilians for UN missions. Such strategies require two elements:

1. an **ongoing mission-wide approach** that considers day-to-day operations and how violence against civilians can be anticipated, addressed, and reduced; and
2. **crisis planning and response**, which entails an assessment of potential causes of escalations of violence and related scenarios, and a strategy for assessing and planning to address them, including through mission crisis response options.

For the ongoing mission-wide approach, a mission should identify how its overall strategy to achieve its objectives will address the protection of civilians and its relationship to other POC actors. This presumes that protection is one component of its many aims; as such, it should be incorporated into broad mission strategies to support a stable peace, and traditional activities such as the holding of elections; disarmament, demobilization, and reintegration; creating conditions for and/or facilitating the voluntary return of internally displaced persons (IDPs) and refugees; political dialogue; building good governance; and training of police and rule of law institutions.

Should perfect mission integration be possible, a fully joint protection strategy with the humanitarian protection community might be envisaged. In a stable, post-conflict scenario, a fully integrated strategy with the host government may also be possible. In the environments into which UN peacekeeping operations are deployed, however, the most likely scenario is one in which relationships are in a state of continuous renegotiation, information is shared on the basis of trust, and strategies are coherent where possible. As stressed in Chapters 1 and 4, if **consent** for a mission has been undermined—especially if mission staff question the basic **impartiality** of their role—relationships with both humanitarian actors and with the host state are particularly challenging.

For the crisis planning and response, the mission needs a comprehensive and updated picture of threats and vulnerabilities to plan for potential crises (see Chapter 4). This mission-wide approach should consider possible changes in the environment, including triggers of an escalation of violence against the population, and develop appropriate contingencies to address the protection of the mission itself (always a priority) as well as the population. The approach will thus identify where the mission is prepared to provide protection and where additional resources and political engagement is needed to sustain the it and to meet its objectives.

An understanding of the military component's role (including who is to be protected, from what kind of actors and threats, and by what means) is needed to develop mission-wide strategies. Further, such clarity will enable military planners to more effectively use planning tools—such as CONOPS—to link intended outcomes with specific operations, tasks, and the resources required to support the protection of civilians.

Conceptual clarity and guidance is also needed for the entire UN Police (UNPOL) component if mission-specific strategies are to use police (especially FPUs) in direct protection activities. An improved understanding of their role will inform the use of police CONOPS and anticipated FPU doctrine, which tends to include protection as a potential general task, but with little further elaboration.

Provide basic elements

During mission planning and deployment, **SRSGs and DPKO** should ensure the provision of the following four basic elements in each peacekeeping mission, as required for mission-wide delivery on protection of civilian mandates:

1. one senior mission leader designated to develop and 'drive' the strategy.
2. a systematic approach to building an ongoing analysis of the threats and vulnerabilities of the civilian population.
3. a mission structure that drives the collection of such data, its analysis, and its distribution to relevant actors, and capacity within the mission to play the technical, secretariat, and reporting functions.
4. a specific methodology to anticipate, plan, and run scenarios for upsurges in violence and other protection crises.

Each of these elements requires the full collaboration of all substantive mission sections and the UN Country Teams. The special roles of the DSRSG or the Humanitarian Coordinator and the head of the Protection Cluster are recognized here. Specific recommendations are detailed below.

The first theme—'Linking the Security Council to the field'—looked at the fundamental gaps in mission policy, planning, and preparedness. If progress is made in addressing the gaps in those basic prerequisites, missions will develop and implement their protection of civilians strategies as integral aspects of the overall mission and its configuration, using the combined skills of the military and civilian substantive sections. However, while those gaps persist, a dedicated focal point—a **senior mission leader**—is required to develop and drive a mission strategy.

While current operations were not found to have mission-wide POC strategies, each mission visited offered ideas about different models for managing the issue (as detailed in Chapter 4). The Protection of Civilians section in UNMIS was focused on aspects of protection but not perceived to drive a mission-wide strategy. In MONUC, there were numerous approaches built around senior leaders, including the DSRSG, the executive office, and the Force Commander, all offering aspects of policies, guidance, and tactics. In MONUC, a senior adviser on sexual and gender-based violence played a role in developing policy for the mission. Other suggestions with merit are the civilian Chief of Staff in the SRSG's office, although issues here could include capacity and perceived seniority.

The research team consciously avoids offering a 'one size fits all' approach, acknowledging that each mission's specific structure evolves in its own context. It is clear, however, that the direct engagement of senior mission leadership is a critical factor.

Ensure leadership and accountability

- **The Secretary-General and DPKO** should require the SRSG to produce and report on a cross-mission protection strategy and call for such a strategy to be led by a senior focal point with sufficient status within the mission structure and a position that straddles the mission pillars.
- **The Secretary-General and DPKO** should ensure that clear protection of civilians responsibilities are detailed in the Secretary-General's directives to SRSGs and in compacts between the Secretary-General and SRSGs.
- The **budgetary committees** should support reasonable requests for resources to support POC-related activities above and beyond the normal functioning of a mission—for example, enhanced mobility assets or a small contingency reserve for a crisis.

This study recommends a **systematic approach to developing an analysis of the threats and vulnerabilities of the civilian population in real time.** A number of models and methods describe how to elaborate a protection strategy (see Chapter 4). The humanitarian community uses certain approaches while the armed forces have their own methodologies for threat analysis. The basic premise of such a system is straightforward, **beginning with an assessment of threats to the civilian population, types and patterns of violence, and motives and modus operandi of perpetrators**. In order to put together such an assessment, the mission needs to generate information from multiple sources and analyse it. Currently, **such information and analysis capacity is limited**.

Field-level data and analysis is perhaps the biggest reported gap. Mission substantive civilian sections hold pieces of this information 'puzzle'—in particular the human rights, child protection, civil and political affairs sections. The humanitarian protection actors often hold the largest collection of information on protection of civilians since they collect and collate information on the protection situation within their areas of operation. This information can be obtained piecemeal, however, and humanitarian actors and human rights staff, irrespective of context, have different views on information sharing. It is imperative to note that in the varied contexts of integrated missions, it is impossible to presume what level of information sharing will be possible. Humanitarian agencies need to retain a clearly neutral and impartial stance. OCHA and or the Protection Cluster

are the appropriate conduits for information to the mission and are currently playing this role in many contexts. However, in some circumstances, humanitarian actors will take a stance, based on principle, and be less willing to share information with UN missions.

In many locations where uniformed peacekeepers are based, the security environment is not favourable to independent, non-armed actors. Notwithstanding some excellent work done by UN military observers and some contingents, interviews frequently revealed **a lack of basic ability among uniformed contingents to communicate with local populations and, therefore, to understand local contexts**. In particular, the lack of uniformed personnel with either a common language or the backup of adequate numbers of translators was raised as a serious issue. In many instances there is a severe shortage of any civilian staff at the field level.

Much of the available analytical capacity, such as the field-based Joint Mission Analysis Cell (see Chapter 4), is predominantly utilized as a tool for senior management to analyse specific aspects of the political context. The Department of Safety and Security analysis tends to look at threats and vulnerabilities of the mission and its staff. Field-level information collection and analysis is a constant gap.

The use of Joint Protection Teams in MONUC is, in essence, designed to fill these gaps. Notwithstanding the excellent innovation of these teams, a more mission-wide and permanent approach is required.

Although protection requires a 'field-up' approach, regular consideration of threats and vulnerabilities for the civilian population must also be regularized at the senior leadership level within the mission, as the basis for planning and crisis anticipation and as the basis for a serious conversation with the humanitarian and human rights community, the government, and TCCs and PCCs.

Ensure effective analysis of threats and vulnerabilities

- In refocusing and expanding existing mission structures where possible, **DPKO, the Department of Field Support, and missions** should consider the development of a 'local' Joint Mission Analysis Cell for regional peacekeeping offices. The Cell would distribute analysis and information to UN field offices about current and anticipated situations, rather than just provide threat-level information to the UN Mission itself. A mechanism that also supports tactical assessments (not just strategic) should be considered.

- The terms of reference for any such mechanism should include consideration of:
    1. the causes of potential violence, especially physical violence, and the nature of the belligerents—whether as criminal, political, retribution-oriented, or resource-driven—and how violence is perpetrated on civilians.
    2. analysis of the measures available to the peacekeeping missions to anticipate, mitigate, and prevent such violence and, as necessary, halt such actions or defend the population against such threats.
    3. the role of the government in mitigating, preventing, and halting violence, as well as the ability of civilians and their communities to do the same or protect themselves.
    4. the nature of potential violence. This involves assessing the likelihood of extreme violence, mass atrocities, or ethnic cleansing (largely based on pattern recognition) as well as the possibility of resumed violence or societal violence that may not be mass, targeted, or ethnically driven.

A mission structure must support the 'strategy leader' and play the technical, secretariat, and reporting functions for protection. A number of functions are required on the civilian side of a mission with respect to protection strategies: data collection, ongoing analysis, and possible technical, secretariat, and reporting functions. The case study missions offer different models for housing these functions. Such functions have not, however, been routinely considered at the mission planning stage.

As above, the research team consciously avoids offering a 'one size fits all' approach. It is clear however, that the direct engagement of senior mission leadership and attention during mission planning are critical factors in building such analysis capacity.

Ensure mission support

- The **DSRSG/HC** should provide the requisite leadership for humanitarian agencies in full engagement with the mission with respect to the protection of civilians.
- In addition to Protection Cluster and information sharing meetings, the **DSRSG/HC** should ensure dialogue between humanitarian actors and the mission over threats and vulnerabilities to the civilian popu-

lations. This should include contextual, in-country training on the most common violations.

This study recommends a **specific methodology to anticipate, plan, and run scenarios for upsurges in violence and other protection crises**. Related to all of the issues above, missions need to undertake a constant process of reviewing potential outbreaks of violence or other issues of significant scale that require a protection response, such as facilitating humanitarian access. Conflicts can re-emerge or emerge in new ways and go beyond what the operation can anticipate, prevent, and halt. Missions can take action and present a robust stance, but there is a limit to their capacities. UN peacekeeping operations are rarely equipped or prepared to back up preventive or deterrent POC strategies to provide protection of civilians from imminent threat with swift reactions to crises; responses against armed actors; or full domination of an area where civilians are threatened on a regular basis.

While there is debate about how robust missions can be, a key capacity question is what back-up is offered and available if peacekeepers do take a strong stance to protect civilians. Examples from the field demonstrate an often reasonable fear that is no quick response capacity to support peacekeepers who face danger or are caught in an insecure position. There are also numerous examples of peacekeepers experiencing failure of equipment and transportation, which hinders even their own defence. The lack of air mobility can compound this problem. Finally, an added concern was of the medical facilities offered to peacekeepers, which are sometimes cited as inadequate. Especially for missions that come under attack—as has been the case in Sudan, DRC, and Côte d'Ivoire—these fears are easy to understand and demand a response.

Each operation needs crisis planning to assess potential scenarios of situations based on the specific elements within the mission areas, the prior conflict, and the aims of the operation. An assessment model seemed to be used in designing the Enhanced Rapidly Deployable Capacity (ERDC), which DPKO and Member States developed in 2007 in concert with peacekeeping missions. The Enhanced Rapidly Deployable Capacity was an effort to identify the unique crises the mission could face and to identify in advance what kinds of support and resources were needed to address such an escalation of violence and prevent it from leading to a crisis that the mission could not address by itself.

Implement crisis scenario planning

Missions need to identify the baseline capacity and strategy for crisis response in mission areas where civilians may face systematic or extreme violence. Two elements are essential here: preparedness and coherence. Those responsible for cross-mission protection strategies should:

- **Develop and institute a table-top exercise for peacekeeping mission leaders with potential crisis scenarios** to a) build dialogue between senior leaders in a mission area soon after deployment; b) identify potential strategies and their operational requirements prior to crises for the mission; and c) identify differing approaches within the mission prior to a crisis, as well as a baseline need for back-up support to the mission.
- **Establish crisis planning** in which each peacekeeping mission with a Chapter VII mandate for POC anticipates potentially likely or significant events and prepares plans in concert with other actors and with UN Headquarters to prepare for potential crises. Such plans may require support from a strategic reserve, regional forces, or other kinds of backup to the mission to protect civilians. Such planning should be supported by DPKO and Member States as well, as proposed in the Enhanced Rapidly Deployable Capacity.
- The **DSRSG/HC** should ensure that the mission and humanitarian actors establish lines of communication for emergency or crisis situations. This should include clarification of a division of labour and clarification of respective roles and responsibilities.

3. Improving the role of uniformed personnel

This research features a particular focus on the military and police components and their role in implementing protection of civilians mandates. Military leaders serving in UN missions interviewed for this study explained that they are trained to support outcomes defined by political leaders and help achieve those outcomes by developing and implementing strategies. Thus, to support the outcome, they need a definition of their objective—namely whom to protect from what—and an understanding of how to ensure that civilians are protected. The commander of a company or a battalion, for example, may not know what 'protect civilians' means at the unit level or what specific actions it entails.

This study finds that the Security Council's original intent in providing explicit mandates to UN peacekeeping missions to protect civilians from imminent threat was to prevent paralysis in the face of the threat or commission of atrocities, such as was evident in Rwanda and Srebrenica. In the context of UN missions, the role of the mission as a whole, and the military and police components in particular, must therefore include a means to prevent mass or systematic violence against civilians. As emphasized throughout this report, addressing such threats requires comprehensive, integrated action across the entire mission. The more acute the threat, the larger the potential role for uniformed peacekeepers. The question turns to the willingness of peacekeepers to use the threat of force if needed to prevent mass violence from occurring, even as other solutions are sought.

For uniformed peacekeepers, addressing such threats may involve a broad range of information, liaison, and training operations to influence potential perpetrators; information gathering operations to identify and describe potential threats to civilians; defensive operations to protect population centres; patrolling to dominate roads and key areas; and operations to disrupt the ability of perpetrators to attack civilians. Determining the optimal balance between these activities will depend upon the mission's mandate, its context, and its capacity.

The concept of the protection of civilians usually is focused on lesser challenges than mass or systematic violence. The military and police components have roles to play in facilitating humanitarian relief and human rights and conflict resolution responses, primarily in support of the activities of other components, through ensuring security and access, providing logistical support, and indicating a commitment by the mission to respond to any attempt to resort to violence. However, the responsibility of military and police components to support the peace-building activities of other mission components should not undermine their preparedness and capacity to deal with the higher-order threats of mass or systematic violence against civilians. Peace-building activities are likely to help prevent such violence, but it can erupt or persist despite the best efforts of the mission.

The issue of ROE and the appropriate use of force also impact the mission. During interviews, contingents and mission officials frequently offered divergent views of the same ROE language, demonstrating a variety of interpretations within the same mission and even by different contingents

from the same country over time. There is very little evidence of any use of coercive action in current missions to protect civilians.

There are also major deterrents to contingents' ability or authority to use force. For example, the requirement to use of a warning shot prior to using force to protect civilians. Other officials pointed to major deterrents against UN personnel using any force to protect civilians if they themselves are not directly attacked by an armed actor. Further, even when authorized, some contingents are immediately investigated and suspended as the result of any use of force. This is a strong deterrent to such action. Additional concerns identified included the humanitarian implications of such actions, the question of whether the equipment would work, the fear of drawing fire in future, and the potential to reduce one's career advancement.

The military component

Some of the ways to protect civilians (such as distributing troops thinly in small groups over a wide area) run directly counter to normal military practice. The small size of the sites can increase their risks of being challenged by determined belligerents and may increase the proportion of troops devoted to mission protection at the site, as opposed to the surrounding population. At the same time, the thin dispersion of those bases means that military personnel cannot cover all insecure areas at the same time. Missions may make personnel temporary (as in MONUC) and, as the threat in the area becomes less acute, relocate them to new areas where the threat is higher. However, in the absence of a strategy to consolidate the medium- to long-term security in the first area of deployment, the threat often intensifies after they are relocated. One former military officer described this as 'a game of cat and mouse'. At best, such an approach temporarily mitigates the threat to civilians in some areas, but it does not offer a way to reduce or eliminate the threat.

Forces often deploy in configurations that are not highly mobile and lack integrated logistical, medical, and other assets necessary to operate independently of larger units. Command issues arise when they are directed to redeploy and contingents resist changing their formations (usually based on MOUs between the UN and TCCs). The basic capabilities of some UN peacekeeping operations are insufficient, with issues ranging from insufficient high-quality personnel; inadequate equipment; sub-standard living conditions; and a lack of enabling units, communications systems, equip-

ment, and other standard capacities that most well-developed militaries expect. This reduces their ability to operate.

Recommendations for the military

- **Build knowledge.** For those preparing for missions that may involve protection of civilians from imminent threat of physical violence, preparation for military (and civilian) leadership should include education on the specific implications of POC mandates for operations and tactics at the brigade, battalion, and company levels. Commanders and troops must understand, for example, what is different about conducting a patrol in a mission mandated to protect civilians than one mandated to monitor a ceasefire or line of control.
- **Set standards.** New units arriving in a mission to undertake POC tasks should be reviewed by the Force Headquarters against the same operational requirement provided to the TCC for pre-deployment training, and any deficiencies should be addressed. The ability to meet this requirement should be critical to a determination that units are operationally ready to undertake an assigned function.
- **Strengthen support capacity.** Mission support planners (such as logistics and administration) should budget for small contingency lines where a POC mandate is issued and where the threat of violence is real so that additional security measures (such as lights, concertina wire, and water) may be provided in extremis to populations sheltering in or near a UN camp.
- **Enhance reaction capacity.** Missions with POC mandates that risk or anticipate potential larger-scale violence will require mobility and support, which may well include air assets, a rapid reaction force, strategic reserve within the mission area, or other operational support. Reaction capacity also calls for information and analysis beyond that of traditional peacekeeping missions and may require external back-up capacity for the mission.
- **Engage in dialogue and reach agreements with the host state.** Advance discussions must be held with the host government regarding the role of the mission and that of the uniformed personnel in the case of an increase in violence; these discussions must include the state's role in preventing or responding to such violence.

- **Clarify defensive to offensive action.** Identify how far the impartial support to protection of civilians can go in taking action against belligerents—in a range from presence, to active patrolling, to site defence, to control of freedom of movement, to coercive actions to halt belligerents, to direct offensive action against those who are hostile or have demonstrated hostile intent. A related aspect is to identify how far NGOs and humanitarians can go in providing information about what is happening among populations with vulnerable civilians; whether and how they will need to be separated from actions taken by peacekeeping missions; and any repercussions for the civilian population (such as retaliation against civilian sites and IDP camps).

The police component

The role of UN Police is a key area where new thinking is needed to consider their future role in the protection of civilians. Certainly the role of police in peacekeeping is especially unique. On the one hand, deploying police seems to offer a great opportunity to benefit from personnel trained to 'protect' civilians, as police are used to support civil society and to reduce danger for the population. Yet the role of police—either as individual UNPOL or as FPUs—in UN missions is quite counterintuitive, as it tends to focus more on longer-term preventative measures and capacity building than direct support to civilians. When deployed as individual police officers, UNPOL are unarmed and sent not to act as police officers themselves within the society, but tasked with monitoring, supporting, and training local police and rule of law personnel to uphold the host state's ability to support the rule of law. In short, they are not acting as beat cops or even investigators, but mentors and advisers (with the exception of missions with executive authority, such as in Kosovo and the former East Timor).

FPUs, on the other hand, are armed but are often meant to support crowd control and protect mission personnel. Their (relatively) new role in peacekeeping missions is still being defined, but to date, little suggests they have been prepared for a role in the direct protection of civilians. That said, **the discrepancy between FPU operational guidance (DPKO policy and draft doctrine) and the use of FPUs in practice needs to be addressed**. The most recently mandated UN peacekeeping missions, MINURCAT and UNAMID, have had the most direct implications for FPUs in the protection of civilians, with the existence of very large IDP camps.

If FPUs are to be tasked with activities linked to direct protection of civilians, the conceptual confusion regarding their role must be addressed. It is unlikely that the protection role of FPUs will be further clarified by the anticipated FPU doctrine beyond a clearer definition of FPU core tasks. In the absence of broader DPKO protection guidance for all of UNPOL, the role of FPUs in the protection of civilians will continue to depend on individual mandates and the interpretation of those mandates.

The considerable gap between unarmed civilian police and heavily armed military needs to be addressed, especially for IDP camps. FPUs could potentially play a role in filling this gap, but many of their members are still ill-trained, ill-equipped (lacking language skills and in one instance armed with Kalashnikovs), and too often militarized. This leaves some FPUs ill-suited for crowd control, protection of the mission, and deterrence through presence (patrols).

Recommendations for the police

- The role of police in peacekeeping missions is currently undergoing transformation. While the **UN Police Division** is small and without sufficient capacity to meet the high demands already placed upon it, the division should take advantage of the opportunity to increase and improve its role in supporting the protection of civilians. This work will require a commitment to reconceiving how police are recruited, trained, vetted, and compensated for their work in UN missions; how their primary tasks are identified and assessed; and how senior police leaders are given the resources and support they need to address the protection of civilians as part of their other responsibilities—as well as how they are held accountable for the results. The planned expansion of the Police Division in the coming year offers an opportunity to better recruit, train, and plan for protection issues, which should be accompanied by broader strategic guidance on the role for UNPOL in protecting civilians.
- Conceptual work is necessary for this shift. Together with DPKO, **PCCs** could help identify examples of good practice from domestic policing techniques to identify and monitor threats to the population, and to select techniques that reduce and defuse violence in urban and rural settings.

- A serious effort is needed for a professionalized UN police force to help fill the gap between external military actors and UN individual police who help train the local police of host states.
  - **FPUs** could fill this role but many are currently not 'fit for purpose' as they are often ill-trained, ill-equipped, and incorporate military personnel.
  - A paramilitary police force might be able to fill the gap but should not replace serious efforts at non-militarized police training for the host nation. Any move toward a more robust force to fill the existing gap must be accompanied by a better understanding of (a) the risks involved (and backup necessary) when using more heavily armed forces; (b) potential protection tasks; and (c) the varying degrees and types of threats to civilians.

4. Political follow-up: achieving mission aims

As noted above, this study finds that while the Security Council is actively engaged in developing the mandates for missions, there is limited or inconsistent follow-up once a protection of civilians mandate has been established. Moreover, the Secretariat is inconsistent in its briefings of the Council, whether through reports of the Secretary-General and or presentations by SRSGs and Force Commanders. The Council needs to be kept candidly informed about challenges a mission may be facing or opportunities on the protection of civilians so that it can take informed decisions and facilitate mission efforts in support of a given POC mandate.

Recommendations

- The **Council** must provide the necessary political support to SRSGs and Force Commanders in the field when they seek to fulfil protection of civilian mandates.
- The **Council** should ensure more consistent monitoring of the implementation of its mandates, including through field visits.
- The **Secretariat** should be fearless in its advice to the Council through reports of the Secretary-General and in briefings. It should also be steadfast in their implementation.

Looking forward

Peacekeepers have contributed to peace worldwide. Presence is still a deterrent. What this report argues, however, is that more than presence is often needed, and that the logical approach is to build on the existing tasks and strategies employed by the United Nations to improve success for the next generation of missions. Peacekeeping missions that are ill-prepared to address large-scale violence directed against civilians will falter and even collapse. While all peacekeeping operations innately face risks—it is the nature of the enterprise—modern missions must understand the vulnerability of the population in conflict and post-conflict environments, and realize that a failure to protect civilians can undermine the mission's efforts in short order. If civilians are at risk of serious harm, the mission's ability to respond effectively will directly impact its legitimacy and credibility, and reflect on any peace deal and a government's ability to govern.

In many respects, UN peacekeeping protection strategies have not failed—yet they have not been tried. The majority of peacekeeping missions do not have explicit plans for the protection of civilians at the mission-wide level. This gap should be viewed as an opportunity for the talent and ingenuity of the UN family to address breaks in the 'chain' identified in this study—starting with policy, planning, and preparedness; it is a call to consider how to develop effective strategies and anticipate potential crises where civilian insecurity may have grown or grow beyond that which missions can address. Applying additional elements of leadership, authority, willingness, capacity, knowledge and strategy to the pre-existing talent and resources within the UN will strengthen the work that is already underway in many missions.

Some building blocks for improving the protection of civilians by peacekeeping operations are in place. Missions have more modern and professional structures for planning and preparedness and to support effective field operations. Efforts to improve civil–military dialogue are underway, and humanitarian and human rights leaders have opened dialogue with military, police, and civilian peacekeepers. Similarly, efforts to improve pre-deployment training, to increase leadership talent, and to better support analysis are identified as areas to expand and improve. In addition, the system-wide efforts towards greater strategic coherence within the UN, including joint planning and analysis, should contribute to improvements in the POC area.

In fact, since the study team's field visits, the protection of civilians has begun to be addressed in a number of encouraging ways, as in MONUC's establishment of Joint Protection Teams and the Rapid Response and Early Warning Cell to bring together relevant mission components to discuss POC issues on a weekly basis. In other missions, leaders are also using or considering innovative approaches, such as floodlights and cameras to increase the perimeter security of IDP camps, and the creation of task forces within missions to take robust action against spoilers above and beyond the capabilities of the rest of the mission. It is also important to highlight the *UNMIS POC Strategy – Security Concept Paper*, which provides a uniquely clear and coherent approach.

Serious gaps remain, however. It is likely that missions will be asked to take on difficult roles. That consideration is an opportunity not just for the UN Secretariat and for UN missions and humanitarian actors in the field, but for a broader conversation with and between the Security Council, Member States, PCCs and TCCs, and states that support these missions in the field with personnel, political efforts, and financial backing. The world recognizes the role of UN peacekeeping missions—they are a visual reminder of the instinct for peace. This report aims to help that enterprise address a gap that is more inadvertent than purposeful; that is possible, not impossible, to fill; and that must be addressed for peacekeeping missions to meet their goals.

Successful missions are those that address the protection of civilians as an inherent part of their aims. Whether charged by the Council to support security and stability, to organize elections, to help build the rule of law, or to help implement a power-sharing accord, the mission's ability to understand the threats and vulnerabilities facing the civilian population will strengthen its ability to deliver on the mandated tasks. Elections will be supported if people are free and safe to travel to vote; stability will be enhanced if areas of insecurity are quelled; the rule of law will be more easily promoted if human rights are not systematically violated; and power-sharing will work best where stakeholders do not have to fear for their lives. Mission leaders should welcome the direction to do what is intrinsic to their mission's success, and to open up a dialogue with the host state, UN agencies, past and potential belligerents, and local leaders, to discuss what roles they all should play in bringing about the end to conflict.

Finally, there is no more compelling and credible stance for the mission than to advocate for the most vulnerable. That role is the basis of the

United Nations' moral core, and a powerful tool in winning over reluctant peacemakers, in speaking truth to the abusive, and in building credibility with both the local population and people worldwide who will give their support to those who speak for civilians caught in conflict. Such moral suasion can have a tangible result: this unbiased but firm stance will help deliver credence to the mission's authority and determination to use its impartiality against those who challenge its efforts. While this approach does not guarantee success, actions taken by peacekeeping missions to protect civilians will engender respect for the United Nations, and help deter violence against the most vulnerable in the future.

CASE STUDY 1

United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)

Introduction

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was established in 1999 by resolution 1258 and deployed to the Democratic Republic of the Congo (DRC), the 12th-largest country in the world, as an observer and monitoring mission following the Lusaka Ceasefire Agreement. Since then, the Security Council has expanded its role and size (authorizing a strength of 19,815 military personnel as of December 2008) in an effort to stabilize the eastern part of the country. MONUC's most recent mandate identifies the protection of civilians (POC) as the mission's top priority in an effort to address the prevalence of militias and violence against civilians.

This case study describes how the Security Council (when issuing mandates), the Secretariat (when planning for the mission), and the mission itself have approached the issue of POC in the context of MONUC between its creation and the study team's visit in March 2009. By highlighting POC issues surrounding the planning process, deployment, day-to-day operations, and major crises, this case study provides examples and serves to supplement the first five chapters of this study, particularly Chapter IV.

This case study provides a brief overview of the history of the conflict and the context in which MONUC was initially created. It describes the Security Council deliberations surrounding the mission's first mandate and the mission planning and start-up process. The study then describes the evolution of the mission over five eras, with an emphasis on the conceptualization and implementation of its mandate to protect civilians. By exploring the mission's shifting attitude and approach to POC over time, it provides specific examples to illustrate the challenges and issues that are explored more generally in the five chapters of the main study. In particular, it contextualizes the findings of the mission visit as described in Chapter 4.

Background

The ongoing conflict in the DRC is among the most complicated in the world. It has involved spillover from a number of civil wars in neighbouring states (Rwanda, Uganda, Sudan, and, in the past, Burundi, the Republic of the Congo, Angola, and the Central African Republic), centuries of an abusive and exploitive state apparatus, rampant illegal exploitation of the DRC's natural resources, and the manipulation of ethnic tensions as a means of gaining or maintaining power.

The Second Congo War began in 1998, when Rwandan, Ugandan, and Burundian forces invaded eastern DRC, ostensibly in support of various rebel factions, the most prominent of which included the Rassemblement Congolais pour la Démocratie (RCD) and the Mouvement pour la Libération du Congo (MLC). Those groups quickly splintered into a multitude of local factions; Rwanda and Uganda turned on each other as they competed for control of the DRC's natural resources; regional conflicts flared into horrific violence as state parties manipulated them for their own ends (e.g. Ituri); and five other nations (Sudan, Chad, Angola, Namibia, and Zimbabwe) either sent troops or supported various groups as proxies. In light of the involvement of so many African nations—and casualty estimates in the millions (many of which resulted from indirect consequences of the conflict)—the Second Congo War has been characterized as 'Africa's World War'.[1]

Officially the war ended with the Lusaka Ceasefire Agreement (also known as the Lusaka Accords) of July 1999, which MONUC was initially designed and deployed to monitor, but widespread fighting continued.[2] As MONUC was deployed in ever larger numbers and its mandate expanded over time to include many security and peacebuilding tasks, additional agreements were signed, including the Sun City Agreement, the Pretoria Accord, and the Luanda Agreement in 2002, which eventually led to the formal withdrawal of most foreign forces by mid-2003. However, the complex conflict dynamics that had been unleashed by nearly a decade of nearly continuous conflict, and the state collapse that had preceded it continued to drive low-intensity violence punctuated by occasional crises.

The conflict has been devastating for civilians, who have been systematically targeted by all sides at various points. Motivated by ethnic sectarianism, economic opportunism, political manipulation, strategies of

[1] Coghlan et al. (2006).

[2] The Lusaka Accords were signed by the DRC, Angola, Namibia, Zimbabwe, Rwanda, Uganda, and the MLC rebel group. The RCD rebel group refused to sign.

barbarism, and, in some cases, apparent nihilism as a consequence of societal breakdown, belligerents have subjected the Congolese population to looting, ethnic cleansing, torture, mass rape, sporadic massacres, and, in some instances, attempted genocide. Since its inception, MONUC has struggled to apply inadequate resources to curb the violence and foster a meaningful political process that would bring peace to the 66 million inhabitants of the DRC.

Mandate

Established by Security Council resolution 1258 on 6 August 1999, MONUC was initially composed of 90 military liaison officers and supporting civilian political, humanitarian, and administrative staff mandated to work with the signatories to the July 1999 Lusaka Ceasefire Agreement that ostensibly ended the Second Congo War.[3] This constituted Phase I—the preparatory phase—of the mission.

Sponsored by the United States, Security Council resolution 1291 (24 February 2000) expanded MONUC's role, if not to the extent envisioned in the Lusaka Accords. Moving into Phase II (protected observer force), the mission was authorized to a strength of 5,537 troops—including 500 UN military observers (UNMOs) protected by four reinforced infantry battalions—along with a multidisciplinary mission including human rights, humanitarian affairs, public information, child protection, political affairs, medical support, and administrative support components. While invoking the language of 'a threat to international peace and security in the region' in the preamble, most of MONUC's mandate—sections dealing with observation, verification, and support to the ceasefire; demining; facilitation of the distribution of humanitarian assistance; human rights monitoring; and securing the release of prisoners of war—was nonetheless under Chapter VI of the Charter.[4] However, it also stipulates:

> Acting under Chapter VII of the Charter of the United Nations, [. . .] MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect United Nations

[3] S/RES/1258 of 6 August 1999.

[4] UN Security Council resolution 1291 reads as follows: 'Decides that MONUC, in cooperation with the [Joint Military Commission], shall have the following mandate: [. . .] to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations and non-governmental organizations.' See UNSC (2000a, para. 7(g)).

> and co-located [Joint Military Commission] personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence.[5]

Security Council deliberations leading to resolution 1291 (24 February 2000) generally demonstrated the hesitancy of several nations (including the United States, the Netherlands, Canada, and the United Kingdom) to authorize a peacekeeping mission in the DRC. During deliberations on 16 December 1999, the United States explained that its hesitancy was due to the complexity of the conflict and inadequate planning:

> [T]he command and control situation on the ground, the mandate, the size, the costs, the backup all need to be known. We should not vote a resolution until we know what we are voting for.[6]

Interestingly, the Netherlands cited Srebrenica as an example of peacekeepers being deployed as a substitute for political consensus and cautioned against deploying a mission that was not well thought out. In contrast, the Republic of The Gambia referenced the recent horrors of Rwanda as a reason for the Security Council members to authorize the mission in Congo without procrastination.

During Security Council deliberations immediately prior to the adoption of resolution 1291, Namibia and Argentina expressed the need for MONUC to protect civilians under imminent threat. Much of the discussion reflected concern about a dangerous security environment, excessive expectations for MONUC, and inadequate resources to fulfill the mandate. Unsatisfied with the proposed force strength, Canada explained that:

> In situations as grave as this, there is an imperative to act and to do what is possible to relieve the suffering of the beleaguered people of the Democratic Republic of the Congo. It is never easy to balance the requirements of immediate response with the sober consideration of longer-term consequences. Unfortunately, such considerations were not the only ones driving the decision on MONUC's force level.[7]

The Council's general understanding of protection language was that it was not the main role of the mandate but that it would be needed under certain circumstances.

[5] S/RES/1291 of 24 February 2009 (para. 8).
[6] S/PV.4083 of 16 December 1999.
[7] S/PV.4104 of 24 February 2000.

Mission planning and start-up[8]

While MONUC had been mandated to protect civilians under imminent threat of physical violence under resolution 1291 (2000), early Secretary-General reports did not reflect protection of civilians as a central planning objective for the mission. In his 17 January 2000 report, the Secretary-General proposed an enlarged UN force, consisting of 5,537 personnel (3,400 troops), to pursue disengagement and withdrawal of belligerents, security for military observers, and disarmament, demobilization, and reintegration (DDR) of ex-combatants. POC was not included as a military task, as the Secretary-General explained that UN forces 'would not have the capacity to protect the civilian population from armed attack'.[9]

Following a revision in the concept of operations (CONOPS), the Secretary-General issued a 12 February 2001 report proposing the deployment of 550 UNMOs accompanied by 1,900 troops organized as a more flexible and mobile force capable of monitoring and verifying armed actor disengagement and redeployment across the country. The Secretary-General's report reiterated an earlier point by emphasizing that armed UN personnel would be used to guard UNMOs, facilities, equipment, and supplies, and would 'not be able to extract other United Nations personnel at risk, or accompany humanitarian convoys, nor will they be able to extend protection to the local population'.[10]

Implementation of Phase II, including deployment of troops, was heavily delayed by the obstructionism of President Laurent Kabila until he was assassinated by one of his bodyguards in January 2001 and his son, Joseph Kabila, assumed the presidency. Political progress and implementation of Phase II resumed, although with a heavily modified plan adopted in Security Council resolution 1341 (February 2001). It reduced the number of troops deployed to protect UNMOs from 3,400 to 1,900, to be based at two sector headquarters.[11]

The MONUC civilian police component was initially authorized under resolution 1355 (2001) with the intended purpose of assessing the state of the Congolese police institution and to prepare recommendations for the

[8] Documentation provided to the study team did not include initial planning documents for MONUC; public documentation thus serves as the foundation for this section.

[9] *Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2000/30 of 17 January 2000, para. 67.

[10] *Sixth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2001/128 of 12 February 2001, para. 77.

[11] S/RES/1341 of 22 February 2001.

ultimate role and expansion of a UN police component.[12] Following the assessment, the police component continued to expand and play a training and advisory role for the national police.

As of October 2001, MONUC had deployed 2,408 military personnel, including 540 staff officers/UNMOs and 1,868 troops. The disengagement verification process had largely been a success, as the Secretary-General's ninth report on MONUC explained that Phase II was nearly accomplished. In pursuing Phase III, the Secretary-General went on to propose a CONOPS focused on monitoring and investigating ceasefire violations and encouraging disarmament, demobilization, repatriation, resettlement, and reintegration (DDRRR).[13] Up to this point, the protection of civilians was neither included as a planning objective of the mission nor as a military task to be undertaken by MONUC military personnel.

The mission's evolving approach to POC

Over time, POC became an increasingly important priority for MONUC. However, the importance of POC relative to other priorities and its implementation varied widely across different periods and in different sectors of the mission. What follows is a concise summary of the mission's changing posture over time, using specific protection crises to illuminate the challenges the mission faced and how it sought to meet them. The history of the mission can be broken down into the following sections:

- **From the Lusaka Accords to the Kisangani massacre.** MONUC's initial structures and the revisions that occurred shortly after start-up and that impacted its ability to protect civilians during its first POC crisis in Kisangani in 2002.
- **Crisis to crisis: Ituri and Bukavu.** The 2003 Ituri crisis that triggered an external intervention at the request of the Secretary-General, and a massive realignment and reconceptualization of the mission to protect civilians from violence. The next year, the mission once again faltered in the face of a major POC crisis, when rebels stormed through two major cities, leading to the establishment of the MONUC Eastern Division Headquarters (EDHQ).

[12] S/RES/1355 of 15 June 2001.

[13] *Ninth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2001/970 of 16 October 2001.

- **From reaction to pursuit.** EDHQ and the launching of robust and joint operations throughout the east. This brought into focus the challenges of using force, and of joint operations.
- **The end of the beginning.** The period around the 2006 elections, which marked the end of the post-war transition period for the DRC and a struggle to define MONUC's post-election role. Increased encouragement and pressure from the Security Council to undertake robust operations and protect civilians.
- **Putting protection first.** The Goma crisis, Kiwanja massacre, and the Christmas Massacres, which together led to Security Council resolution 1856 (2008).

From the Lusaka Accords to the massacre in Kisangani (2000–03)

Post-Lusaka. Although Security Council resolution 1291 (2000) had provided MONUC with a Chapter VII mandate to protect civilians from imminent threat of physical violence, subsequent political developments prompted the Secretary-General to propose a revision of the CONOPS. Instead of deploying 500 UNMOs with 3,400 infantry troops, there would be 550 UNMOs, protected by 1,900 troops organized into ostensibly more mobile guard units, which the Secretary-General explicitly warned would not be able to protect civilians, extract UN personnel at risk, or accompany humanitarian convoys.[14] According to Roessler and Prendergast:

> In sum, the altered concept of operations was an attempt to make the Harare [peace plan] a reality by creating a more flexible and mobile force that could travel throughout the country to monitor and verify troop disengagement—that is, to complete Phase II, but at the cost of abandoning the protective elements of the mission's mandate.[15]

Nonetheless, the new CONOPS and force structure were adopted in Security Council resolution 1341 (2001), and Uruguayan, Senegalese, Moroccan, and Tunisian troops were deployed across the country. A few months later, the deployment of an initial civilian police component was authorized in resolution 1355 (2001) with the goal of assessing the state of

[14] *Sixth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2001/128 of 12 February 2001 (para.77).

[15] Roessler and Prendergast (2006, p. 268).

the Congolese police institutions and preparing recommendations for the subsequent role and size of a UN police component. Following the assessment, the police component continued to expand and play a training and advisory role for the national police.

By October 2001, the Secretary-General declared that disengagement of the belligerents was nearly completed (95 out of 96 defensive positions verified). MONUC had 1,868 troops and 397 MILOBs deployed, and in his ninth report on MONUC (16 October 2001) the Secretary-General proposed accelerated implementation of Phase III of the mission: disarmament of 'negative forces'.

In his 16 October 2001 report, the Secretary-General laid out a fairly simple CONOPS for the mission, focusing on monitoring and investigating ceasefire violations, encouraging DDR, and preparing for later phases. The CONOPS did not call for additional troops, but rather the establishment of a main forward base at Kindu, and a strengthening of the mission's presence in Kisangani. The Security Council endorsed the Secretary-General's proposal in resolution 1376 (November 2001), initiating preparations for Phase III by establishing the DDR programme to deal with 'negative forces'—such as the Forces Démocratiques de Libération du Rwanda (FDLR), Forces pour la Défense de la Démocratie (FDD), and Mai-Mai—demanding a demilitarization of Kisangani (then occupied by the splinter group RCD-Goma), and extending the police training programme to that city. The resolution was not under Chapter VII, nor did it feature any POC language.

The Kisangani Massacre. Several months later, MONUC's first major protection crisis occurred. In May 2002, Rwandan-backed RCD-Goma troops in Kisangani massacred at least 103 civilians in the process of suppressing a mutiny by some of their local commanders.[16] At the time of the killings, there were roughly 1,000 UN troops and dozens of military observers in Kisangani (approximately 650 Moroccan personnel and 550 Uruguayan personnel).[17] In addition, the Deputy Force Commander Brig.-Gen. Roberto Martinelli was in Kisangani at the time of the killings.[18] Over

[16] According to the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Asma Jahangir, 103 civilians and 60 policemen and military personnel were summarily executed, while an additional 20 unidentified bodies were found in the Tshopo River.

[17] Bernath and Edgerton (2003, p. 2).

[18] Gen. Martinelli (Italian) served as the Deputy Force Commander (DFC) and Chief of Military Observers of MONUC from October 2001 through July 2003. Notably, the Ituri crisis in May–June 2003 also occurred during his term as Deputy Force Commander.

the course of this incident, MONUC witnessed the arrival of RCD-Goma reinforcements from Goma, observed gunfire in the city, and received word of violence from numerous sources, including from an international aid worker.[19]

The Deputy Force Commander repeatedly attempted to meet with RCD-Goma officials regarding the violence but was rebuffed until after the mutiny had been put down. MONUC protected a handful of people, and in the following days conducted military patrols to try and reassure the population. However, according to analysts with Refugees International:

> From MONUC's point of view, neither the Moroccans nor the Uruguayans are infantry units. Therefore, its leaders did not 'deem it within [their] capability' to protect these civilians, even though the civilians were certainly under 'imminent threat of physical violence'.[20]

Following the incident, relations between the RCD-Goma and MONUC were severely strained as the UN called for a demilitarization of Kisangani. RCD-Goma president Adolphe Onusumba accused Special Representative of the Secretary-General (SRSG) Amos Ngongi of being biased in favour of the government on the basis of the UN's reaction to events in Kisangani.[21]

In his June 2002 report to the Security Council, the Secretary-General acknowledged MONUC's mandate to protect civilians under imminent threat of physical violence, but he warned that:

> While MONUC will do its utmost, it does not have the means to provide broader protection to civilians at large. Despite the deployment of additional MONUC troops to Kisangani [. . .] MONUC faces a significant dilemma, since public expectations that MONUC will protect civilians at risk of violence will also rise. Yet MONUC troops currently deployed in the Democratic Republic of the Congo are not equipped, trained or configured to intervene rapidly to assist those in need of protection.
>
> If MONUC is to take the steps necessary to enable it to protect more effectively civilians under imminent threat of physical violence, it will be necessary for the Security Council to consider adjusting the strength of MONUC with a view to reconfiguring and re-equipping the contingents considerably to permit them to intervene more actively.[22]

[19] Marks (2007, p. 71).

[20] Bernath and Edgerton (2003, p. 2).

[21] *Eleventh Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2002/621 of 5 June 2002.

[22] *Eleventh Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2002/621 of 5 June 2002, paras. 71-72.

Two months later, responding to criticism from Human Rights Watch, SRSG Ngongi argued that 'MONUC did what it could at the time' and that 'MONUC was not created to ensure the security of the population'.[23]

Attacks on civilians continued through 2002. Between May and October 2002, there were a series of massacres in Kindu (Maniema province) by the RCD-Goma against suspected Mai-Mai or Mai-Mai sympathizers, claiming at least 77 lives. The Secretary-General's 12th report on MONUC (18 October 2002) warned that:

> The number and scale of gross human rights violations is growing rapidly and the situation demands greater protection of civilians under imminent threat of physical violence.[24]

Crisis to crisis: Ituri and Bukavu (2003–04)

The Ituri Crisis. Despite such warnings and the deployment of two MONUC Task Forces to the Kivus in May 2003, the mission's capacity to protect civilians from physical violence was once again found wanting in the Ituri region the next year. By mid-April 2003, as it became clear that occupying Ugandan forces would withdraw from the region rapidly, MONUC decided to redeploy a reserve contingent of Uruguayans to act as a stabilizing force in Bunia.[25] Unfortunately, the complete withdrawal of 7,000 Ugandan troops from Bunia left behind a power vacuum that MONUC could not fill. Over the course of two weeks in early May 2003, 563 civilians were deliberately killed by various militia in Bunia and environs, approximately 20,000 civilians (mostly Hema) left the town fearing a Lendu attack, and roughly 2,000 civilians sought refuge at the MONUC compound.[26] During the same period militia deliberately killed two unarmed UN military observers in a nearby village.

MONUC's response to the atrocities was clearly hindered by a lack of capacity and preparedness. Only 411 MONUC troops were in Bunia when the crisis began, another 712 arriving days later.[27] In the midst of the violence, the population of Bunia protested MONUC's inability to secure the

[23] IRIN (2002).

[24] *Twelfth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.* S/2002/1180 of 18 October 2002.

[25] *Operation Artemis: The Lessons of the Interim Emergency Multinational Force*. New York: Best Practices Unit, Department of Peacekeeping Operations. October 2004.

[26] *Letter Dated 16 July 2004 from the Secretary-General Addressed to the President of the Security Council.* S/2004/573 of 16 July 2004. pp. 25–26.

[27] 'DRC: MONUC Calls on Ituri Belligerents to Withdraw from Bunia', IRIN 2 May 2003.

town and charged the mission with irresponsibility for demanding that the Ugandan army leave.

Sources differ radically on the performance of the MONUC battalion deployed to Bunia. The lessons learned report produced by the Best Practices Unit of the UN Department of Peacekeeping Operations (DPKO) asserts that the contingent of 712 troops was only prepared for static guard duty. It also point out that the tasks specified in the formal request to the troop-contributing country to redeploy that contingent to Bunia were largely limited guard duties with no mention of protection of civilians. According to the Best Practices report:

> It was clear from the start that there was little more [the contingent] could do than provide security to MONUC and other international staff as well as the local civilians who sought refuge at the headquarters and at the airport base.[28]

The report goes on to assert that the battalion 'did use force when defending itself, the MONUC compounds, and at the airport, however they did not use force to retake the town of Bunia'.[29] On the other hand, it states that in response to pressure to do more, 'the contingent itself argued that it was constrained on principle from a more active use of force by MONUC's mandate'. The contingent's officers maintained that MONUC's mandate was authorized under Chapter VI and therefore force could not be used except in self-defence.

A very different account of the contingent's performance is offered in an internal report by MONUC's first Force Commander. While acknowledging that the troops did protect some civilians who sought their protection at the airport and headquarters, he asserts that 'they carried out their mission poorly and only under joint pressure of the Force Commander, the Sector Commander and MONUC civilian staff'.[30] His scathing critique continues:

> Faced with the band of killers who were sowing death and devastation in town, [the contingent] refused to react by opening fire after proper challenge and in accordance with the mandate to protect the population and in accordance with quite unambiguous rules of engagement. Instead, they

[28] *Operation Artemis: The Lessons of the Interim Emergency Multinational Force*. New York: Best Practices Unit, Department of Peacekeeping Operations. October 2004.

[29] Ibid.

[30] *End of Tour Report*. 31 December 2003 (pp. 8, 10).

> persisted in only firing into the air, declaring that they could only act under Chapter VII and engage in combat with prior authority of [their parliament].
>
> In addition, the tactical ability of [the contingent] proved very limited, due to the presence in its ranks of a good proportion of reservists, as well as the allocation and use of combat power that left much to be desired (only one third of the manpower was ever employed at one time on all operational tasks). I remain convinced that if [the contingent] had used at least 50% of its potential, with 30% in Bunia, and had reacted properly, it would have managed to re-establish order in Bunia—particularly as the Lendu Armed Groups that covered the town in bloodshed were only at the most 30% equipped with firearms.
>
> [. . .]
>
> The behaviour of [the contingent], which was moreover meant to be an intervention battalion and MONUC's reserve, which [the troop-contributing country] deployed in full knowledge of the situation in DRC, and which raised objections and backed out of certain of its crucial obligations, was totally and utterly unacceptable [. . .]. It is the duty of an individual, moreover a soldier and a peacekeeper, to ensure the protection of a defenceless civilian population under imminent threat of physical violence. Avoiding this responsibility is to avoid one's obligation to go to the assistance of someone whose life is under threat. DPKO must ensure that Troop Contributing Nations fully understand and fufill their commitments when they sign up to providing troops.[31]

A third source—the International Crisis Group—seems to align closer to the Force Commander's account than that of Best Practices:

> MONUC had initially attempted to set up roadblocks, restore order, conduct patrols, and protect civilians, but these were quickly overwhelmed, and the mandate 'to protect civilians under imminent threat of physical violence' was abandoned.
>
> During the dreadful week, individuals were killed or kidnapped beside the UN compound. MONUC was asked on several occasions to escort or protect Hema individuals out of dangerous locations to more secure areas, and it either failed to do so, or intervened too late. On 10 May, MONUC was informed of the likely assassination of Nyakasanza's parish priest and other Hema clerics. It refused to intervene or even accompany the vicar-general to the parish after the massacre. On 11 May, a man was kidnapped from the MONUC compound. [Contingent] officers were informed but

[31] Ibid.

> refused to intervene. The person was then executed less than 100 metres away. On 11 May MONUC refused to escort to its compound nineteen Catholic seminarians who were under death threat and in hiding.[32]

Whatever the reality, the crisis garnered international attention, and on 15 May, in a letter to the Security Council, Secretary-General Kofi Annan called for the deployment of a multinational rapid reaction force. Following requests from the Secretary-General and Under-Secretary-General for Peacekeeping, France agreed to lead a multinational force under the aegis of the European Union. In resolution 1484 (30 May 2003) the Security Council authorized:

> the deployment until 1 September 2003 of an Interim Emergency Multinational Force in Bunia in close coordination with MONUC, in particular its contingent currently deployed in the town, to contribute to the stabilization of the security conditions and the improvement of the humanitarian situation in Bunia, to ensure the protection of the airport, the internally displaced persons in the camps in Bunia and, if the situation requires it, to contribute to the safety of the civilian population, United Nations personnel and the humanitarian presence in the town.[33]

The Interim Emergency Multinational Force (IEMF)—known as 'Operation Artemis'—began deploying on 6 June and quickly established security in Bunia and environs, in large part by establishing credible deterrence through the early use of overwhelming force in response to challenges from the militias. According to one analyst:

> Starting with some initial skirmishes with Lendu militia on 14 June, through to more serious clashes with the [Union des Patriotes Congolais] in early July that reportedly left 20 militiamen dead, the IEMF left no doubt as to its willingness to use force, not against one party in particular but against any challenges to its authority or threats to the security of the population.[34]

On 28 June 2003, following a recognition prompted by the Ituri crisis that MONUC needed a more robust mandate, the Security Council passed resolution 1493 (2003) under Chapter VII, imposing an arms embargo and authorizing MONUC to use all necessary means to carry out its

[32] ICG (2003, p. 12).
[33] S/RES/1484 of 30 May 2003.
[34] Homan (2007, p. 3).

mandate—including the protection of civilians—with an emphasis on Ituri and the Kivus.[35]

Security Council deliberations leading to the adoption of resolution 1493 reflected upon the recent atrocities in Bunia, the ability of the IEMF to prevent a greater tragedy, and the intention of supporting the Transitional Government. Within the Council, there was remarkable consensus in favour of a more robust Chapter VII mandate to protect civilians in Ituri, which seems redundant given that MONUC already had a Chapter VII mandate to protect civilians under imminent threat under resolution 1291 (2000) that remained in force. In expressing support for a more robust mission, Italy warned against the excessive use of Chapter VII mandates and robust operations:

> we believe that it is necessary to exercise caution. A strong enforcement mandate for activities such as providing security under Chapter VII of the United Nations Charter will, under circumstances in which certain parties are not participating in the ceasefire agreement or peace accord, risk changing the current practices of peacekeeping operations and plunging the troops into very complicated situations, in which they may be required to engage in combat as if they were parties to the conflict. Therefore, we should not easily confer such robust powers on other peacekeeping operations.[36]

In addition to authorizing the entire mandate under Chapter VII, resolution 1493 expanded MONUC to 10,800 troops and, by 1 September 2003, 2,400 troops from Uruguay, Bangladesh, India, Pakistan, and Indonesia were in Bunia. By November, the Ituri Brigade had been bolstered by Nepalese and Pakistani battalions, bringing troop levels close to 4,500, including attack helicopters and armoured personnel carriers (APCs). In an interview on 3 September 2003, the interim Ituri Brigade Commander, Brig.-Gen. Jan Isberg, provided his perspective on a number of POC-relevant issues:

[35] Security Council resolution 1493 authorizes MONUC 'to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities: to protect United Nations personnel, facilities, installations and equipment; to ensure the security and freedom of movement of its personnel, including in particular those engaged in mission of observation, verification or DDRRR; to protect civilians and humanitarian workers under imminent threat of physical violence; and to contribute to the improvement of the security conditions in which humanitarian assistance is provided'. It further authorizes MONUC 'to use all necessary means to fulfil its mandate in the Ituri district and, as it deems it within its capabilities, in North and South Kivu'. S/RES/1493 of 28 July 2003, paras. 25–26.

[36] S/PV.4790 of 18 July 2003.

Q: How will the Ituri Brigade approach its mission?

A: We are doing everything at the same time, but of course we have a well-defined plan of action. Right now we are concentrating on making Bunia extremely safe, but we have also started going out of the town actively; we are there on the ground and we also use our helicopters.

Q: How will the brigade tackle roving bands of armed men that are responsible for continued insecurity around Bunia?

A: First of all, we must identify and define what a band is and what a militia group is. Militias are the armed groups controlled by political parties or groups, and then we have the bands that are not under the control of any political umbrella, these we consider to be criminal gangs.

I have just been speaking on Radio Okapi [UN radio based in Bunia] and I have appealed to all militia leaders in the district to control their men. Those not controlled will be considered as criminal gangs and we will deal with them appropriately. I know that the gangs that are not controlled won't comply with UN guidelines to stop violence but I appeal to militia leaders to adhere to MONUC and UN directives on the conduct of their men and ensure that the violence stops.

Q: What are the brigade's rules of engagement?

A: We are now acting under a Chapter Seven mandate authorised by the UN Security Council. This means the brigade is now enforcing peace, as opposed to keeping peace. Since the brigade's deployment began in mid-August, we haven't had reports where the troops have killed any combatant but we have used force a couple of times. In one instance a crowd stoned a MONUC vehicle and we shot in the air to disperse the crowd. We will not hesitate to use force where necessary.

Q: Has the brigade got a civil police element to take care of police duties?

A: There is a civilian police component in Bunia, which will be deployed soon. This will be a great asset to the brigade. But may I hasten to add that it is the responsibility of the government of the Democratic Republic of the Congo to provide the men who will be posted to various parts of the town. MONUC's civilian police unit will only advise and facilitate this deployment in conjunction with the Congolese government.

Q: What is the brigade's capacity to respond to potential attack?

A: I can say that the brigade's capacity is enormous. We have all the necessary means—we have helicopters, APCs and the weapons each soldier has. We are capable of countering any attack.

> **Q:** How will Ituri Brigade provide security for the movement of UN humanitarian agencies and NGOs operating throughout Ituri?
>
> **A:** Right now we have just begun our operations. We are coordinating on a daily basis with these agencies and NGOs; I believe we will be able to assist them in facilitating their movements in the district.
>
> **Q:** What lesson, if any, has the brigade learnt from the outgoing EU force during the overlap handover period of mid-August to 1 September?
>
> **A:** During the initial briefings we had with the EU troops, the multinational force firmly stated that we must act according to our new mandate of Chapter Seven immediately and without hesitation, to be ready to use force when the situation dictates. We have adopted this suggestion and we are acting accordingly.[37]

As soon as the IEMF left, a Hema militia, the Union des Patriotes Congolais (UPC), began testing MONUC's resolve back in Ituri. In early October 2003, the UPC massacred 65 Hema about 95 km north-west of Bunia; MONUC's response was to accelerate deployment of its forces outside of Bunia, and in early November 150 troops intervened to prevent a clash between the UPC and a rival Hema militia. In his March 2004 report to the Security Council, the Secretary-General reported that between December 2003 and March 2004, there were 20 attacks on MONUC in Ituri alone.[38]

Meanwhile, Task Force I was deployed to Kindu in May 2003 as part of the transition to Phase III of the mission. Composed primarily of South African troops, the Task Force established smaller outposts in Goma, Bukavu, and Lubero. The force 'began "robust patrols" in an attempt to create a more secure environment, communicate with foreign armed combatants, and coax them into disarming'.[39]

The Bukavu crisis. At the same time in North Kivu, conflict began brewing between dissident RCD-Goma officers (loyal to the governor of South Kivu) and the Forces Armées de la République Démocratique du Congo (FARDC) loyal to Kinshasa. In February 2004, these tensions between the Congolese government and RCD-Goma initially erupted into a brief spate of fighting. As tensions mounted again and threatened to derail the transition process, the Secretary-General announced that MONUC was 'developing

[37] 'DRC: Interview with Brig-Gen Jan Isberg, Acting Ituri Brigade Commander', IRIN, 3 September 2003.

[38] *Fifteenth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.* S/2004/251 of 25 March 2004.

[39] Roessler and Pendergast (2006, p. 277).

a multi-pronged strategy to facilitate extension of State authority to the Kivus', turning in large part around the establishment of the 'Kivu Brigade' and using existing resources.[40] Those plans were overtaken by events.

In May 2004 dissident RCD-Goma officers rallied around Col. Jules Mutebutsi in the Bukavu area. Mutebutsi's group then established contact with Laurent Nkunda in North Kivu, creating a network of dissidents in the Kivus.[41]

On 28 May, MONUC's Kivu Brigade under the command of Brigadier-General Jan Isberg reacted by establishing a buffer zone between the opposing forces, thus coming under heavy fire from FARDC troops directed at Mutebutsi strongholds. General Isberg issued an ultimatum to Mutebutsi, demanding that he canton his forces before the next morning or face arrest and forcible disarmament. Subsequent to Mutebutsi's failure to heed the ultimatum, MONUC troops successfully forced Mutebutsi's soldiers back to five cantonment areas without further outbreaks of violence.[42]

Meanwhile, RCD-Goma officer Nkunda launched his own military action, moving 1,000 to 1,500 troops towards Bukavu from North Kivu in support of Mutebutsi, claiming to protect the Banyamulenge community from a 'genocide' allegedly being carried out by Congolese government troops.[43]

On 31 May Nkunda accepted a ceasefire proposed by MONUC that stopped him less than 35 km from Bukavu and created a second buffer zone between Nkunda and the FARDC troops. This decision may have been prompted by a phone call from the MONUC SRSG to Vice President Azarias Ruberwa (RCD-Goma) informing him that if Nkunda were not contained and did not proceed towards Kavumu airport, 'MONUC would use its attack helicopters and enforce its Chapter VII mandate to stop him'.[44] Gen. Isberg subsequently ordered the Kivu Brigade (through Fragmentary Order 144/2004 and Fragmentary Order 145/2004) to defend the airport with force if necessary. However, the Uruguayan battalion (URUBATT) commander responsible for the airport's protection put up no resistance and gave control of the civilian tarmac to Nkunda.[45]

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40 *Fifteenth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.* S/2004/251 of 25 March 2004.

41 ICG (2005, p. 5).

42 *MONUC and the Bukavu Crisis 2004*. New York: Best Practices Unit, Department of Peacekeeping Operations. March 2005 (p. 6)

43 Ibid (p. 7)

44 Ibid (p. 6)

45 It is unclear why the URUBATT commander disobeyed orders, and why this issue was not investigated by MONUC. Furthermore, the URUBATT commander's insubordination was not limited to this one incident. Indeed, 'the URUBATT contingent commander contested the Brigade commander's instructions on several grounds, including chain of command issues and non-compliance with MOUs'; in addition, he 'publicly objected to the Kivu Brigade commander's concept of operations'. See *MONUC and the Bukavu Crisis 2004*. New York: Best Practices Unit, Department of Peacekeeping Operations. March 2005, pp. 7, 20.

On 1 June, Nkunda continued marching toward Bukavu. For 18 hours, the Kivu Brigade temporarily halted Nkunda's advance 15 km outside of Bukavu. During these 18 hours, FARDC troops left Bukavu, as they were unprepared to defend the city. Additionally, Mutebutsi's troops broke out of cantonment fully armed, while their Uruguayan guards were too few in number to match Mutebutsi's firepower. It is unclear why Mutebutsi's men had not been disarmed, and why more MONUC forces had not been deployed around the sites.[46]

On 2 June, Bukavu fell to Nkunda and his men without resistance. MONUC's military leadership wanted to stop Nkunda's advance on Bukavu, but MONUC's political leadership in Kinshasa and in DPKO instructed MONUC to stay out of what they considered internal affairs. UN Spokesman Fred Eckhard elaborated: 'It's for the [Congolese] parties to sort out. When war breaks out, the role of peacekeepers ends.'[47] But for one MONUC officer who wanted to take action against Nkunda, it was the 'worst six days' of his life.[48]

According to one analyst, MONUC's leadership was unwilling to respond for fear of going against one of the rebel groups, whose allegiances were unclear during the invasion.[49] Furthermore, some UN analysts worried that the RCD-Goma would withdraw from the transition if MONUC attacked Nkunda or Mutebutsi; they also feared that if MONUC became more aggressive, UN personnel throughout Congo would become targets for armed groups.[50]

On entering Bukavu, Mutebutsi's troops instigated heavy looting and widespread violence. FARDC troops retreated south to Walungu, where they also pillaged the town. Military and civilian casualties in Bukavu were estimated at more than 100 persons. These casualties were largely the victims of troops belonging to Mutebutsi and Nkunda.[51] Furthermore, when Nkunda's troops burned Kadutu market in Bukavu, approximately 2,000 civilians fled to the MONUC compound, where the mission responded by feeding and accommodating the internally displaced persons (IDPs) for several days.[52]

[46] ICG (2005, p. 24).
[47] ICG (2005, p. 24).
[48] Author interview.
[49] Marks (2007, p. 75).
[50] ICG (2005, p. 24).
[51] *MONUC and the Bukavu Crisis 2004*. New York: Best Practices Unit, Department of Peacekeeping Operations. March 2005 (p. 8).
[52] Ibid (p. 8).

The crisis disrupted humanitarian assistance for the area, such as Médecins sans Frontières operations;[53] displaced an estimated 24,800 civilians;[54] claimed the lives of at least 88 people and injured more than 11; forced an estimated 2,500 to 3,500 Banyamulenge, Rwandan, and Burundian residents of Bukavu to flee to Rwanda;[55] and caused the border with Rwanda to close as tensions between Rwanda and the DRC mounted.

From reaction to pursuit (2004–06)

The Secretary-General's *Third Special Report* on MONUC (16 August 2004) recognized the Bukavu crisis—including the anger of Congolese across the country at MONUC's perceived failure to protect the city from Nkunda—as a watershed requiring a major reassessment of the mission. It provided an assessment of the tactical decisions leading to the fall of Bukavu before Nkunda and Mutebutsi's advance, laying the blame largely on MONUC's alleged overstretch (despite having just over 1,000 troops backed by Indian attack helicopters in the city at the time) and the collapse of FARDC defensive positions before or at first contact. The Secretary-General argued that while MONUC should continue to attempt to pacify Ituri, help keep Kinshasa secure, and provide 'security for United Nations personnel and facilities, as well as for civilians under imminent threat of violence in the areas of MONUC deployment', the mission needed to 'clarify its role' with regard to monitoring the arms embargo and strengthen its capabilities relating to DDRRR and DDR.[56]

Yet the report also raised general questions about how MONUC should use force to implement its mandate, arguing that, given the size of the DRC, 'strategic areas of operation must be identified'. It added:

> Should the Security Council provide a mandate, under Chapter VII of the Charter, for MONUC to assist in the creation of stability in areas other than Ituri, the conditions under which MONUC should use force to deter dissident elements from using violence to derail the political process must be clearly defined.[57]

Along the same lines, it asserted that:

[53] Médecins sans Frontières (2004).
[54] USAID (2004, p. 1).
[55] ICG (2005, p. 6).
[56] *Third Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.* S/2004/650 of 16 August 2004.
[57] Ibid.

> MONUC should have the military capability to take action to support the transitional process and to deter such challenges while, at the same time, ensuring the protection of civilians who may be at risk.[58]

The Secretary-General argued that achieving those goals would depend upon 'its capacity to act as a deterrent, on the one hand, and as a rapid reaction force, on the other', entailing 24-hour operational capability, and a CONOPS emphasizing built-in reserve capacity, and a flexible and mobile force.[59]

In connection with this CONOPS, the Secretary-General requested major increases in force size and capabilities: from 10,800 troops to 23,900,[60] in both fixed-wing and helicopter assets, a maritime surveillance unit, a military communications unit, a special forces company, a military police company, and the creation of a Joint Mission Analysis Cell. As part of the restructuring of the mission, an Eastern Division Headquarters was proposed for either Kisangani or Kindu, to be commanded by a Major General.[61]

Despite the urgency, the Secretary-General and the mission had to wait until 1 October 2004 for Security Council resolution 1565. Using Chapter VII authority for the whole resolution, it authorized a much more modest increase in mission size than the Secretary-General had requested: 5,900 additional personnel, including 341 civilian police.[62] It directed MONUC to 'ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence', listing that priority second only to deterring violence that might threaten the political process. Some other mandated tasks, such as contributing 'to the improvement of the security conditions in which humanitarian assistance is provided', assisting in the return of refugees and IDPs, electoral assistance, and support to DDR and DDRRR were to be undertaken 'in support of the Government of National Unity and Transition', implying a requirement to collaborate with the Congolese government. This requirement was

[58] Ibid.

[59] Ibid.

[60] Ibid, (para. 120). The additional forces were to be assigned as follows: a reserve company (150) for Ituri; two battalions (1,775) each to create the North Kivu and South Kivu Brigades; one brigade (3,500) to create a Katanga/Kasai Brigade; a reserve battalion (950) to be stationed at EDHQ; three battalions (2,800) to bolster Kinshasa; an additional 2,150 troops across the other envisioned capabilities.

[61] Ibid (paras. 95–99).

[62] S/RES/1565 of 1 October 2004. In his August 2004 report, the Secretary-General explained that the establishment of a Congolese national police force was a key goal of the Transitional Government and recommended that MONUC assist by providing: a) technical and planning expertise for the creation of a five-year police reform plan; b) advice and training to 6,000 police in preparation for election; and c) support through the mentoring and monitoring of local police in strategic areas. See S/2004/650 of 16 August 2004.

subsequently interpreted as linking MONUC to the FARDC, despite the problems associated with joint operations. Resolution 1565 authorized 'MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed' to do many of these tasks, including POC.[63]

In his sixteenth report on MONUC (31 December 2004), the Secretary-General noted the gap of 7,200 personnel between the expansion he had requested and that authorized by resolution 1565 (2004), and reported that the CONOPS had been adjusted accordingly. His report mentioned the plans to create the EDHQ, but of particular interest is the 'political–military concept' laid out in some detail. Identifying the overall goal of MONUC as 'the holding of credible elections followed by a stable and sustainable peace', he laid out the role of the military component in pursuing that goal as revolving around four key strategic objectives:

- pacification and general improvement of security via DDR, DDRRR, army integration;
- providing support for conflict resolution (crisis management);
- improving border security; and
- gathering and analysing military and other information on spoilers.[64]

While collection and analysis of information by the Joint Mission Analysis Cell, and the use of the mission's public information capacity are also mentioned, *the protection of civilians is not mentioned at all as an element of the political–military strategy.*

The report does mention POC in relation to the CONOPS for DDRRR. Contemplating the possibility that the FARDC might try to use force to disarm the FDLR, it states that 'MONUC, with its increased presence in the Kivus, will proactively support the FARDC in disarming FDLR and, in this connection, will use force to protect civilians.'[65]

The Secretary-General reported back to the Security Council again on 15 March 2005, noting that the EDHQ became fully operational on 24 February; more gravely, he reported on the slaughter of nine Bangladeshi soldiers on a routine patrol to protect an 8,000-strong IDP camp in Ituri, about 80 km north of Bunia. The day before, MONUC had conducted two

[63] S/RES/1565 of 1 October 2004.

[64] *Sixteenth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2004/1034 of 31 December 2004.

[65] Ibid.

separate operations that captured and disarmed more than 140 militia members. On 1 March, a major cordon-and-search operation (CASO) dismantled the headquarters of the Front des Nationalistes et Intégrationnistes (FNI) militia in Loga, Ituri, killing 50–60 combatants with only two MONUC soldiers injured. More broadly, the Secretary-General described MONUC's plan to use checkpoints and CASOs to disrupt and weaken FDLR factions, and to develop a joint CONOPS with the FARDC for the forcible disarmament of the FDLR. Finally, he noted that:

> a stronger emphasis has been put on bringing United Nations agencies and MONUC together in the development of common security arrangements and expanding humanitarian space, as well as for strategic planning and advocacy. In this regard, MONUC, under its mandate to protect civilians, will also strengthen its action to reduce acts of aggression against the civilian population.[66]

This statement indicates an apparent conceptual linkage between mission integration and POC.

The Security Council reacted by extending MONUC's mandate unchanged, but with two interesting directives contained in resolution 1592 (30 March 2005).[67] The first calls on the Congolese Transitional Government 'to develop with MONUC a joint concept of operations for the disarmament of foreign combatants' by the FARDC with MONUC assistance. Secondly, it gave unusually specific encouragement to MONUC to engage in robust operations:

> *Emphasizing* that MONUC is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any attempt at the use of force to threaten the political process and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-FAR and Interahamwé, *encourages* MONUC in this regard to continue to make full use of its mandate under resolution 1565 in the eastern part of the Democratic Republic of the Congo, and *stresses* that, in accordance with its mandate, MONUC may use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in those areas.[68]

[66] *Seventeenth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2005/167 of 15 March 2005.

[67] S/RES/1592 of 30 March 2005.

[68] Ibid. (para. 7).

Aside from identifying the two primary goals for the use of military force, it also suggests that the Security Council, in apparent contrast to the Secretary-General and DPKO, may have perceived an explicit link between the political process and the security of civilians.

In April, the newly appointed Deputy Force Commander of EDHQ, Maj.-Gen. Patrick Cammaert, issued a campaign plan that linked the creation of security for the elections to the protection of civilians, and the protection of civilians to MONUC's overall credibility and legitimacy. It described a phased approach in which 'framework operations'[69] would be employed in North and South Kivu to 'prepare the battlespace', while the 'main effort' would initially focus on Ituri. A 'preparation phase' was envisioned to lay the groundwork, followed by Phase 1, in which a combination of CASOs, targeting of militia leaders for arrest, interdiction of arms trafficking, denial of access to revenue, and information operations would be used to stabilize Ituri. Phases 2 and 3 would be pursued in North and South Kivu, respectively, with a different approach taken to the foreign armed groups—the ADF/NALU originating in Uganda, and the FDLR originating in Rwanda—based on psychological domination and displacement away from populated areas, the latter especially in South Kivu. The campaign plan explicitly rules out forcible disarmament except by the FARDC:

> MONUC will not forcibly disarm nor put the FDLR into a position in which their only course of action is to resort to armed action against us and try to avoid repercussions for the local population. Casualties would be high on both sides and we might lose the moral high ground.[70]

Appended to the campaign plan were detailed outlines of training plans for the FARDC, including consideration of logistical and financial requirements.

A CONOPS from the same period—April 2005—largely echoed the Secretary-General's report on MONUC and the campaign plan, but goes into greater detail in explaining MONUC's approach to the FDLR:

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[69] 'Framework operations' is a term that was used by the British during Operation Banner in Northern Ireland; it refers to 'those [operations] conducted by regular military and police including patrolling, base security, searching for terrorist munitions, overt surveillance and control of movement'. See Iron (2008, p. 177). The purpose of framework operations is not to defeat the opposing forces, but to a) make them work around the static framework operations and b) employ more convoluted and complex operations. In so doing, framework operations compel guerilla forces to take greater risks and expend more resources to pursue their operational goals, increasing the likelihood that they will be caught.

[70] *Divisional Commander's Initial Campaign Plan for Operations in DRC East*. 4 April 2005.

> Despite the renewed vigour of the Transitional Government to disarm the ex-FAR/Interahamwe, including by force if necessary, some Congolese and Member States continue to call on MONUC to forcibly disarm the foreign armed groups. There are several reasons why MONUC cannot, and should not, take on this task. While MONUC can use force to protect civilians, and, in this connection, will do so against the foreign armed groups, the very nature of peacekeeping prohibits peacekeepers from engaging in targeted warfare [. . .]. MONUC will be fully deployed in the Kivus by 1 March 2005. At that time, it will commence action to disrupt and weaken FDLR formations. This robust military action is aimed at loosening FDLR command over those who wish to voluntary [sic] disarm to MONUC and repatriate to Rwanda.[71]

Additionally, it proposed that following such disruptive operations:

> A follow-up civil/military coordination programme will need to be set for the villages and areas vacated by foreign armed groups. A level of security should be provided through MONUC's continuing military presence and the villagers encouraged to develop their own internal self-policing means. This type of operation should be repeated to prevent the foreign armed groups from setting [sic] in another area and preying off a different civilian population.[72]

In his *Special Report on Elections* in the DRC (26 May 2005), the Secretary-General outlined the role that MONUC would play in the elections, particularly with regard to security, and flagged the lack of deployment to Katanga and the Kasais as an ongoing source of concern. He requested an expansion of 2,590 troops to deploy a three-battalion brigade in northern Katanga, as well as 625 civilian police organized into 5 Formed Police Units (FPUs) to be deployed to Kinshasa Kisangani, Mbuji-Mayi, Lubumbashi, and Bukavu. The FPUs were to be used to conduct joint duties and training sessions with national police crowd control units while monitoring and supporting them in the event of a demonstration or election riot.[73]

The same year, MONUC issued *Directives on Detention, Searches and Use of Force* for FPUs to delineate their use of force to uphold the mandate. Similar to those provided to the UN Operation in Côte d'Ivoire and

[71] *Military Concept of Operations for MONUC,* 2005, Annex C, p. 14.

[72] MONUC (2005b), Annex C, p. 15.

[73] *Special Report of the Secretary-General on Elections in the Democratic Republic of the Congo.* S/2005/320 of 26 May 2005.

the UN Stabilization Mission in Haiti, the directives gave MONUC FPUs the authority to stop, detain, and search individuals who threaten civilians with imminent physical violence, as well as the authority to use force, including firearms, 'to protect civilians, including humanitarian workers, against an imminent threat of death or serious bodily injury'.[74]

Further, the logistical support envisioned would require significant additions of air assets. In resolution 1621 (6 September 2006), the Security Council agreed to the request for additional police, but decided not to approve the Secretary-General's requests for more troops and air assets.[75]

In his 18th report on MONUC (2 August 2005) the Secretary-General discussed the mission's protection challenges and robust operations at some length, describing how the campaign in Ituri had led 15,607 combatants of various militia groups to enter the DDR programme, leading to the effective demise of two militias: the FAPC and the UPC-K. The report estimated that, although severely weakened, 50 recalcitrant militia leaders with around 1,200 troops remained at large in Ituri. It noted a change in tactics during two operations in June 2005, including attacks on MONUC helicopters, the use of human shields, and abandonment of camps to hide among the population. This raised concerns that the remaining militias might be receiving outside training.[76]

Equally crucial, the Secretary-General noted that 'the State is far from having full control over Ituri's resources', identifying the lack of state authority in resource-rich areas as a key permissive condition for the continued existence of militias.[77]

During this period, MONUC's activities in the Kivus focused in large part on the 31 March 2005 Rome Declaration made by FDLR leader Ignace Murwanashyaka, in which he denounced the Rwandan genocide and pledged to end the violence.[78] However, during the same period, both North Kivu and South Kivu suffered at the hands of FDLR combatants. In North Kivu, MONUC carried out joint operations with the FARDC to 'facilitate free and safe access to civilians' along the Walikale–Goma and Goma–Beni routes, while in South Kivu, joint MONUC–FARDC operations in

[74] *Directives on Detention, Searches and Use of Force for Members of Formed Police Units on Assignment with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)*. New York: Department of Peacekeeping Operations.

[75] S/RES/1621 of 6 September 2005.

[76] *Eighteenth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2005/506 of 2 August 2005.

[77] Ibid.

[78] Ibid para. 43.

Walungu were used to try to stabilize the security situation.[79] However, massacres on 23 May and 9 July demonstrated MONUC's limited capacity to protect Congolese civilians from elusive militias, and the Secretary-General's August 2005 report noted that ultimately the DRC government was responsible for securing the population, and that it had yet to tackle the pervasive and recurrent problems the FARDC had with logistics, salaries, food, and discipline.[80]

Of note is a separate section of the same Secretary-General's report on the integrated mission concept—the first of its type for MONUC. It described the Humanitarian Action Group chaired by the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator (DSRSG/HC/RC)[81] (Ross Mountain); the group includes members of the UN Country Team, donors, and NGOs, and is designed to facilitate coordination regarding humanitarian response, security, capacity building, and reconstruction programmes. It went on to explain that,

> A framework for the protection of civilians is being developed through which MONUC military police and civilian staff are preparing common approaches for the protection of civilians against violence, especially sexual violence; the reintegration of internally displaced persons, refugees and ex-combatants into their communities of origin; and the security of all United Nations staff and humanitarian workers.[82]

The section dedicated to mission integration only appeared in two subsequent consecutive Secretary-General reports on MONUC, and then disappeared. Although more detailed information on the evolution of civil–military working methods to improve protection of civilians during this period was not found, records of the implementation of those methods emerged the following year (see Box 1).

[79] Ibid (para. 32).

[80] Ibid.

[81] The Resident Coordinator (RC) serves as the designated representative of the Secretary-General and assumes, on behalf of the United Nations system, overall responsibility for, and coordination of, the operational activities for development of the United Nations system carried out at the country level. When a complex emergency occurs or an existing emergency worsens in a country, the United Nations Emergency Relief Coordinator designates a Humanitarian Coordinator (HC) on behalf of the Secretary-General. The RC is usually designated as the HC, creating a dual-hatted role of RC/HC. The HC serves as the representative of the Emergency Relief Coordinator (and therefore of the Office for the Coordination of Humanitarian Affairs) in the country, responsible for coordinating the humanitarian activities of the Country Team and providing liaison between the Country Team and the Emergency Relief Coordinator. The Secretary-General also appoints a Special Representative of the Secretary General (SRSG) as the designated official and head of a peacekeeping mission in a country. The SRSGs have deputies (DSRSGs), who sometimes have a triple-hatted role of DSRSG/HC/RC. For more information, see OCHA (n.d.).

[82] *Eighteenth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2005/506 of 2 August 2005, (para. 67).

Box 1

Civilian–military coordination and cooperation on protection of civilians

Since 2006, MONUC has been particularly innovative in developing civil–military working methods designed to enhance the protection of civilians. They centre around three initiatives: the role of the Protection Cluster; the joint protection concept; and joint planning initiatives. The Protection Cluster approach was introduced in DRC in 2006 under the leadership of UNHCR, and clusters are co-chaired by a liaison officer from MONUC's military component. Clusters bring together humanitarian NGOs, the UN Office for the Coordination of Humanitarian Affairs, MONUC, and other UN agencies to coordinate protection efforts, and are convened both at the national level and in the provinces. In the DRC, they focus almost entirely on protection from violence and were designed to influence the deployment of MONUC's troops. A 2007 assessment by UNHCR indicated the clusters were achieving that goal, yielding positive results with regard to POC and the facilitation of humanitarian access. Although no specific examples have emerged, concerns have been raised that MONUC's participation in the clusters might compromise the independence of humanitarian actors in the DRC, or inhibit the ability of the clusters to take strong advocacy positions.

In addition to the efforts of the Protection Clusters, MONUC's Civil Affairs section has led on POC within the mission. Under the leadership of DSRSG/HC/RC Mountain, it developed the joint protection concept. Building on the Protection Cluster, it has sought to place protection activities in a strategic framework by identifying priority areas of action, ensuring coordinated responses to protection issues, and providing support to the clusters themselves. Broadly speaking, the goal of the joint protection concept is to build strong civil–military cooperation between MONUC and the humanitarian community (via the clusters and the Civil Affairs unit).

The operationalization of the joint protection concept takes place largely through joint planning initiatives. Civil Affairs pulls together information about threats to civilians from both the humanitarian community (in part via the Protection Cluster) and other mission components, which it uses to develop a series of maps and matrices. These products identify areas where threats to civilians are particularly acute and the nature of those threats (in terms of type of violence, likely intensity, and perpetrator) in order to inform MONUC's planning for the deployment of 'mobile operating bases' to address those threats. As of 2007, Civil Affairs was advocating to systematize its involvement and the use of its maps and matrices in MONUC military planning. An example of its role was in providing assessments of the humanitarian impact of proposed military operations against the FDLR in the Kivus. It offered useful information on options for humanitarian action to mitigate that impact, and on the relationships between local communities and the FDLR and between the FDLR and FARDC.

While these initiatives are widely reported to have had positive impacts on protection in some instances, they represent contributions to a strategy of mitigation, rather than resolution of persistent and recurring threats to civilians. Given the concerns from humanitarian actors about the use of information provided via Protection Clusters for offensive operations and the potential consequences for their access to populations, it is unclear how these mechanisms could be integrated into a more comprehensive politico-military strategy to address threats to civilians.

Sources: UNHRC (2008); MONUC (2007)

The Secretary-General's persistence with regard to obtaining troops for Katanga was finally rewarded following his 19th report on MONUC (26 September 2005). In that report, he once again documented the ongoing violence in areas of Ituri, where neither MONUC nor the FARDC were able to deploy, and described the clashes that erupted in mid-August near Rutshuru (North Kivu) between Mai-Mai militias and ex-RCD-Goma fighters who had refused to participate in the *brassage* process designed to integrate them into the FARDC. The report also noted Nkunda's 25 August threat to bring down the Transitional Government. It described joint and/or parallel MONUC and FARDC CASOs and patrols in South Kivu that 'resulted in an improved security situation' by dispersing FDLR elements and curtailing their ability to access or attack population centres.[83]

The Security Council addressed the DRC and MONUC again on 21 December 2005, in resolution 1649.[84] It reacted to a number of developments, including the report from a November 2005 Security Council mission to Central Africa. The preamble is notable for '[d]*eploring* the violations of human rights and international humanitarian law committed by these groups and militias' and '*[w]elcoming* the robust action taken by [MONUC] against these groups and militias'. Aside from imposing targeted sanctions against militia leaders, it reiterated MONUC's mandate (under resolution 1565) to support FARDC operations to disarm foreign combatants, requested that the Congolese Government of National Unity and Transition submit a strategy to accomplish that goal by 15 March 2006—including consideration of MONUC's role—and emphasized that,

> [a]s per resolution 1565, MONUC is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any foreign or Congolese armed group from attempting to use force to threaten the political process, and to ensure the protection of civilians under imminent threat of physical violence.[85]

With this language, the Security Council seems to be encouraging MONUC to continue, even to step up their robust operations. It makes clear that, while MONUC does not have a mandate to use force to disarm foreign combatants, it can engage them on the basis of protecting the political process or civilians. Moreover, it seems to once more hint at a link in the drafters' minds between civilian security and the stability of the political process.

[83] *Nineteenth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2005/603 of 26 September 2005.

[84] S/RES/1649 of 21 December 2005.

[85] S/RES/1649 of 21 December 2005 (para. 11).

In his 20th report on MONUC (28 December 2005), the Secretary-General described a new and disturbing trend in the Kivus.[86] Even as MONUC and the FARDC made significant gains against reengaged Mai-Mai in Virunga National Park, the FDLR–Rastas attacked civilians in Walungu (South Kivu) in reprisal for a joint FARDC–MONUC operation, killing 25. Some attacks took place within 300 metres of a FARDC checkpoint, and the perpetrators left letters promising further retaliations against civilians if they were targeted by future MONUC or FARDC operations.

The Secretary-General's report also noted increased tensions between FARDC and forces loyal to Col. Mutebutsi (of Bukavu crisis infamy) that had infiltrated back into the country from Rwanda in September. The section on the integrated mission concept asserted that:

> Protection of civilians continues to be an important unifying theme for MONUC and the United Nations and the United Nations family. Joint coordination mechanisms have been established at the central and provincial levels, in which the Mission's civilian, police and military components work closely with the Office for the Coordination of Humanitarian Affairs, UNHCR, UNICEF and the humanitarian community. The objective of these mechanisms is to promote a pragmatic field-based approach to civilian protection, including direct protection activities by MONUC peacekeepers.[87]

In resolution 1671 (25 April 2006) the Security Council authorized the deployment of a European Union Force in DRC (Eufor R.D.Congo) with a Chapter VII mandate to assist MONUC to maintain security in Kinshasa during the elections. The mandate read as follows:

> *Decides* that Eufor R.D.Congo is authorized to take all necessary measures, within its means and capabilities, to carry out the following tasks, in accordance with the agreement to be reached between the European Union and the United Nations:
>
> (a) to support MONUC to stabilize a situation, in case MONUC faces serious difficulties in fulfilling its mandate within its existing capabilities,
>
> (b) to contribute to the protection of civilians under imminent threat of physical violence in the areas of its deployment, and without prejudice to the responsibility of the Government of the Democratic Republic of the Congo,

[86] *Twentieth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2005/832 of 28 December 2005.

[87] Ibid.

(c) to contribute to airport protection in Kinshasa,

(d) to ensure the security and freedom of movement of the personnel as well as the protection of the installations of Eufor R.D.Congo,

(e) to execute operations of limited character in order to extract individuals in danger.[88]

On 22 May 2006, the Secretary-General submitted a report in response to the Security Council's request for a plan to deal with foreign armed groups in the DRC.[89] He described the political dynamic affecting each of these groups (FDLR, FNL, ADF/NALU), and MONUC's role to date in applying pressure on these groups to enter DDRRR. Noting the problems associated with joint FARDC–MONUC operations—poor FARDC performance; FARDC human rights abuses; retaliation against civilians—he described a number of steps MONUC planned to take to mitigate those problems going forward. These included strengthening civil–military coordination with the FARDC so that the humanitarian consequences of operations would be taken into consideration during planning; contingency planning for the humanitarian consequences of operations; and pressuring the Congolese government to prosecute human rights abuses by FARDC that occurred during such operations. With these mitigation mechanisms in place, the Secretary-General essentially told the Security Council that MONUC planned to continue the same strategy it had been pursuing up to that point.

The end of the beginning (2006–08)

As MONUC entered 2006, its focus began to shift to preparing for the elections to take place on 30 July 2006. Although the Secretary-General's twenty-first report on MONUC (13 June 2006) describes a number of operations in Ituri and the Kivus, most of those took place early in the year, and the operational tempo slackened considerably to avoid displacements that would disrupt voter registration—and indeed voting. The report did, however, describe the encounter between MONUC's Guatemalan Special Forces and the Lord's Resistance Army (LRA) in Garamba National Park on 23 January, in which eight MONUC soldiers were killed.[90]

[88] S/RES/1671 of 25 April 2006 (para. 8).

[89] *Report of the Secretary-General Pursuant to Paragraphs 10 and 14 of Security Council Resolution 1649 (2005)*. S/2006/310 of 22 May 2006.

[90] *Twenty-first Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2006/390 of 13 June 2006.

The Secretary-General's 22nd report (21 September 2006) described the elections and the violence that broke out in Kinshasa when the election results were announced on 20 August between Congolese police and Kabila's Republican Guard on one side, and the bodyguards of Jean-Pierre Bemba's[91] on the other.[92] MONUC and Eufor R.D.Congo coordinated an intervention to halt the fighting. In addition, during a CASO in Ituri in May, one MONUC soldier was killed and seven captured by the FNI militia. It took two months of negotiations to free them.

The inconclusive results of the first round of presidential elections necessitated a run-off on 29 October 2006, and while there was some limited violence, the poll ran relatively smoothly. However, there was intermittent violence throughout much of November, mostly in Kinshasa, between Bemba supporters and Congolese security forces. At the same time, on 25 November, Nkunda's forces attacked FARDC, took the North Kivu town of Sake, and advanced on Goma. MONUC intervened with infantry backed by attack helicopters and forced Nkunda to withdraw, killing 200–400 of his troops in the process.[93]

Following the election, MONUC's role was once again reviewed, with the Secretary-General proposing in his 23rd report (20 March 2007) that its focus going forward be on the protection of civilians and the extension of the authority of Congolese government throughout the country.[94] The report envisioned MONUC acting primarily to support the FARDC, rather than acting on its own, despite the POC problems inherent in joint operations. FPUs were to continue to advise and train Congolese local police as well as conduct joint patrols in the event of civil disturbances.[95]

[91] Jean-Pierre Bemba Gombo was the commander of the MLC rebel group, then a Vice President in the DRC Transitional Government, and Kabila's chief rival in the 2006 presidential elections. He came second in a run-off, and as of October 2009 has been on trial for war crimes and crimes against humanity before the International Criminal Court.

[92] *Twenty-second Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2006/759 of 21 September 2006.

[93] ICG (2007, p. 8).

[94] *Twenty-third Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2007/156 of 20 March 2007.

[95] Several insights can be drawn from the end of assignment report of the Contingent Commander of a Formed Police Unit serving in MONUC from 14 November 2006 to 14 November 2007. While the commander did not include the protection of civilians as a basic assignment of FPUs, he did verify the frequency with which his FPU had conducted tasks (e.g. patrols) with implied benefits for civilian security from physical violence. The commander explained that over the course of one year stationed in Kisangani, the FPU had conducted 322 FPU-only patrols and 195 joint patrols with Congolese National Police and MONUC civilian police. Roughly 95% of patrols were conducted during the day within the area of responsibility. The FPU was redeployed three times to Kinshasa to help quell increasing political unrest, to assist the Congolese National Police in managing violent crowds, and to protect MONUC facilities and personnel. Neither the Secretary-General nor the Security Council has explicitly linked MONUC FPUs to the protection of civilians; however, the very nature of patrols imply, at the least, deterrence against abuse of civilians. Confidential report.

The Security Council embraced this vision in resolution 1756 (15 May 2007), mandating MONUC under Chapter VII. It authorized a strength of 17,030 troops to protect civilians, help secure the DRC's borders, disarm and demobilize foreign and Congolese armed groups, and reform the Congolese security sector—a sprawling mandate that would challenge even a mission as large as MONUC.[96] It is of note that the entire mandate was under Chapter VII, and that the protection of civilians (and humanitarian actors) was clearly made the top priority:

> *Acting* under Chapter VII of the Charter of the United Nations,
>
> [. . .]
>
> *Decides* that MONUC will have the mandate, within the limits of its capabilities and in its areas of deployment, to assist the Government of the Democratic Republic of the Congo in establishing a stable security environment in the country, and, to that end, to:
>
> *Protection of civilians, humanitarian personnel and United Nations personnel and facilities*
>
> (a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence.[97]

Yet even as this mandate was being crafted, the situation in the Kivus was deteriorating. On 11 May, the Congolese government declared an end to the *mixage* processes and called for existing mixed brigades to undergo *brassage*.[98] Tensions climbed as Nkunda sought to retain his leverage over former members of the Armée Nationale Congolaise in the mixed brigades, and on 27 August major fighting broke out in North Kivu when Nkunda's forces attacked the FARDC. In September, MONUC had to halt Nkunda's advance on Sake when FARDC positions crumbled, and a new problem arose when Mai-Mai began fighting Nkunda as well, creating new humanitarian crises. In late October, MONUC and FARDC launched an operation to neutralize a Mai-Mai group that resulted in their surrender.[99]

In his 24th report (14 November 2007) the Secretary-General argued that, while MONUC would continue to focus on its mandate to protect

[96] S/RES/1756 of 15 May 2007.

[97] Ibid.

[98] *Mixage* refers to the integration of rebel forces and troops from the FARDC into single units (e.g. integrated brigades). *Brassage* refers to a rapid retraining process designed to increase the professionalism and competence of FARDC units.

[99] Subsequent investigation revealed 12 mass graves containing 21 victims near Sake, an area that had been held by Nkunda's forces.

civilians, a political solution was required for the ongoing confrontation between Nkunda and the Congolese government in North Kivu. On the other hand, the report stated that:

> The protection of civilians of all communities is central to the resolution of the crisis in the eastern Democratic Republic of the Congo. MONUC will continue to focus on its mandate for the protection of civilians.[100]

In response, Security Council resolution 1794 (21 December 2007) largely endorsed the Secretary-General's argument, but also directs MONUC to prioritize the protection of civilians above all other aspects of its mandate in the allocation of resources. Specifically, it encourages MONUC,

> in accordance with its mandate and emphasizing that the protection of civilians must be given priority in decisions about the use of available capacity and resources, to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to support the FARDC integrated brigades with a view to disarming the recalcitrant foreign and Congolese armed groups, in particular the FDLR, ex-FAR/Interahamwe and the dissident militia of Laurent Nkunda, in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration processes, as appropriate.[101]

It reminded the mission that it was mandated 'to use all necessary means to protect civilians under imminent threat of physical violence, particularly in the Kivus', and also asked the mission to coordinate with the UN Country Team to develop a mission-wide strategy to address the ubiquitous sexual violence afflicting the country and regularly report on both the problem and steps taken to address it.

The Secretary-General submitted the 25th report on MONUC on 2 April 2008. It described a failed FARDC offensive against Nkunda in December 2007 that required MONUC reinforcement at Sake, Rutshuru, and Goma 'in order to protect civilians' and to prevent the fall of those towns. The report also discussed how additional mobile operating bases 'allowed MONUC to extend protection to civilians in a number of locations, while increased patrols enhanced the security of internally displaced persons'.[102]

[100] *Twenty-fourth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2007/671 of 14 November 2007

[101] S/RES/1794 of 21 December 2007 (para. 5)

[102] *Twenty-fifth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/218 of 2 April 2008

The Conference on Peace, Security and Development in the Kivus was convened in Goma from 6–25 January; its key outcome was the adoption of two statements of commitment for North and South Kivu. Signed by all the participating Congolese armed groups—including Nkunda's Congrès National pour la Défense du Peuple (CNDP) and their South Kivutian allies—it committed them to:

- accept a ceasefire monitored by MONUC;
- agree that all militias should undergo DDR or brassage; and
- facilite the return of refugees and IDPs.[103]

In turn, the Congolese government committed itself to renewing an amnesty law covering acts of war and insurrection through January 2008. What was not addressed were timelines or specific modalities for brassage and DDR.

Various ad hoc monitoring mechanisms were created with MONUC playing a key role in each. As part of what became known as the Amani process, President Kabila issued various executive orders over the following two months.

In addition, the governments of the DRC and Rwanda signed a joint communiqué in Nairobi on 9 November 2007 calling for military and non-military actions 'to eliminate the threat posed by illegal armed groups through peaceful and military means.'[104] The DRC followed up on 1 December 2007 by submitting a detailed plan to the Rwandan government for the disarmament of the FDLR, and on 11 February 2008 issued a presidential decree setting the plan in motion.

In the meantime, MONUC redeployed its forces to the east, so that by April 2008 it had approximately 2,000 additional personnel in North Kivu and 850 additional troops in South Kivu. Over the same period, the number of armed groups in Ituri dwindled, with MONUC focusing on the Forces de Résistance Patriotique d'Ituri (FRPI), which was apparently recruiting and rearming.

For the first time in the history of the mission, the Secretary-General's report had a separate section entitled 'Protection of Civilians'.[105] It discussed the provision of security for humanitarian assistance and returning refugees and IDPs, and how the development of a joint protection concept had led

[103] Ibid (paras. 4–6)

[104] DRC and Rwanda (2007).

[105] *Twenty-fifth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/218 of 2 April 2008 (p. 9)

to the integration of humanitarian and protection priorities into military planning for the eastern provinces. This was accomplished through civilian–military exchanges, the development of maps and matrices, and the deployment of mobile operating bases for protection of civilians. It claimed that the joint protection concept helped protect civilians during the failed FARDC offensive against the CNDP in December in North Kivu.

In addition to securing key urban and population centres, MONUC provided direct protection to more than 150,000 civilians who were sheltering in the nearby IDP sites; 50,000 in the five sites around Mugunga in the vicinity of Goma; and 100,000 in the general area of Kiwanja and Rutshuru.

Moreover, during planning following the Nairobi communiqué, MONUC carried out assessments of the humanitarian impact of military operations against the FDLR in order to mitigate those effects. The Secretary-General's report also contained a separate section on sexual and gender-based violence that described the breadth and dynamics of the problem in the DRC, and detailed how MONUC was attempting to bolster Congolese capacity to prevent it, assist victims, and prosecute perpetrators.[106]

The Secretary-General's 26th report on MONUC was submitted to the Council on 3 July 2008 and is interesting in a number of respects. It first describes a decrease in the number of clashes between various armed groups in North Kivu, but an increase in attacks on civilians—including NGOs and UN agencies. South Kivu saw an increase in armed robberies of NGOs, which was stemmed by increased MONUC patrolling and escorts, and the report notes that the FDLR remain the main cause of insecurity for the areas just south of Bukavu. The report describes major expansions in the number of MONUC mobile operating bases: from 13 to 37 in North Kivu, and 5 to 11 in South Kivu.[107]

What is startling is that the human rights section reported that the mission was investigating allegations that the CNDP deliberately killed 27 civilians during attacks on villages in the Rutshuru area on 24–28 April; between them, CNDP and PARECO Mai-Mai had killed more than 100 civilians in the same area since January. These attacks on civilians were featured in no other part of the report. No mention is made of whether and how the information was shared by the human rights section with the rest of the mission, nor was there any discussion of the attacks as a political or security concern with implications for the wider mission or requiring a response from other components (e.g. political; military; Civil Affairs).

[106] Ibid. (p. 11)

[107] *Twenty-sixth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/433 of 3 July 2008.

This raises the spectre of a disconnect between different components of the mission—a particularly worrisome possibility in relation to the protection mandate.[108]

While reporting that militias no longer represented a serious threat to stability in Ituri, the Secretary-General's report also described attacks by the LRA on Congolese civilians in and around Garamba National Park. In reaction, MONUC and FARDC signed a joint directive for operations against the LRA that would focus on protecting civilians, containing the LRA, and encouraging them to enter DDRRR.

The Secretary-General also wrote about an April 2008 assessment mission led by retired Gen. Maurice Baril, which reviewed the strategy and capacity of the military component. Two key conclusions were mentioned. The first was that 'the Division Headquarters in Kisangani no longer provided an optimal command and control structure for the Force', leading to a decision to reconfigure the mission to establish a forward force headquarters in Goma in recognition that the Kivus would be the mission's main effort.[109] Second, it examined the rules of engagement and force posture, and found that they were adequate to the conditions the mission faced. Baril's report recognized that:

> To fulfill its mandate, MONUC required a high degree of mobility and flexibility on the part of its contingents. A willingness to use appropriate force in accordance with the Rules of Engagement, was also required, both to protect civilians and to support the Nairobi and Goma processes, including through joint military operations with the FARDC.[110]

The mission's ability to muster such capabilities was tested only a few months later, yielding mixed results, a request for an Operation Artemis-style intervention, and a new mandate clearly articulating POC as the mission's highest priority.

Putting protection first (2008–09)

The Goma crisis and the Kiwanja massacre. In late August 2008, major hostilities broke out again between the CNDP and the FARDC, with CNDP rapidly taking Rumangabo (around 40 km north of Goma) and

[108] Ibid (para. 61).

[109] Ibid (para. 34).

[110] *Twenty-sixth Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/433 of 3 July 2008 (para. 36).

advancing north and east. Through September and October, fighting continued despite MONUC's efforts to broker a ceasefire and provide assistance to the FARDC to halt or roll back CNDP offensives. By late October, the CNDP had advanced to within a few kilometres of Goma before unilaterally declaring a ceasefire. High-level diplomatic engagement from Europe, Africa, and the United States was largely unsuccessful at effecting any change on the ground, and requests for a multinational bridging force went unanswered.[111] MONUC was faced not only with the CNDP offensives that threatened key population centres and transportation routes, but the repeated collapse of FARDC defensive positions and attacks by retreating FARDC on both MONUC and the civilian population.[112]

On 4 November, an attack by the PARECO Mai-Mai and their allies briefly pushed the CNDP out of the town of Kiwanja before it was retaken the next day. While some civilians were killed in the crossfire, Human Rights Watch reported that more than 150 were killed by the CNDP—mostly boys and men who, based on their age and sex, were considered possible Mai-Mai.[113] This bloodshed occurred despite the presence of MONUC troops—120 Indians and two platoons of Uruguayans slated to replace them shortly thereafter—equipped with 4 BMP-2 armoured vehicles, within 1 km of where the killings took place.

The incident garnered international attention and sparked an in-depth investigation by Human Rights Watch that highlighted how a combination of inadequate capabilities and competing priorities constrained MONUC's ability to protect civilians in Kiwanja from attack.[114] The military component had been without a dedicated interpreter since 26 October and only had occasional access to a translator working with the DDR section of the mission, making it difficult, if not impossible, to gather information from the local population. The company-sized base—located at the bed of the valley and thus lacking sightlines to observe the town—also lacked any intelligence analysis capabilities, hindering its ability to utilize what little information it was receiving as a basis for planning military operations. Lt.-Col. Harpreet Singh Brar, who commanded the Kiwanja base at the time, stated that, 'During this whole time, there was an informational vacuum.'[115] He further explained that patrols had to be aborted because

[111] Lynch (2008).
[112] *Fourth Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/728 of 21 November 2008 (p. 4).
[113] HRW (2008).
[114] HRW (2008).
[115] Polgreen (2008).

various factions 'opened fire' with weapons heavy enough to pierce his contingent's armoured vehicles, although it is not clear whether the patrols themselves were actually fired upon.[116] Other factors cited by the camp commander included that 'the peacekeepers said they could not tell the difference between the different armed groups and were fearful of firing on civilians', and that their armoured vehicles could not access the neighborhoods of Kiwanja—where most of the killings took place—because of muddy streets.[117]

The MONUC contingent was also constrained by competing demands for its meager resources. Based on interviews with senior MONUC officials, Human Rights Watch explained that:

> When the Mai Mai attacked Kiwanja, MONUC peacekeepers again gave priority to protecting people other than the local population. They committed four patrols to trying to find the abducted foreign journalist . . . and two more to rescuing humanitarian workers and another to extricating a team of military observers. As a result, there were too few peacekeepers left to protect the local population.[118]

Commander Brar told *The New York Times* that the orders to prioritize rescuing the journalist and humanitarian workers came from the higher headquarters in Goma, and that sending out additional patrols from his base would have left the thousands of civilians gathered around it unprotected.[119] This study has found that this dilemma—whether to dedicate troops to static defence of a very limited locale, or engage in patrols or offensive operations to secure a wider area—is a recurring issue for MONUC in particular, and for POC-mandated peacekeeping operations in general.

Finally, as the Human Rights Watch report notes,

> MONUC relied on cooperation from the Congolese army. However, Congolese forces proved incapable of protecting the towns and failed to assist MONUC in providing security for the civilian population.[120]

Indeed, the local FARDC commander was deeply hostile to MONUC, using MONUC troops as human shields in one instance, and in another

[116] Polgreen (2008). The top, sides, and rear doors of the BMP-2 used by the Indian Army are vulnerable to heavy machine gunfire, recoilless rifles, and particularly rocket-propelled grenades. See Grau (1997).
[117] Polgreen (2008).
[118] HRW (2008, ch. VII).
[119] Polgreen (2008).
[120] HRW (2008, summary).

ordering his forces to open fire on peacekeepers.[121] This, too, is an illustration of an enduring dilemma for MONUC: how to reconcile its mandate to protect civilians on the one hand, with its mandate to engage in joint operations with the FARDC on the other, given the latter's unreliability, rampant abuse of civilians, and occasional open hostility to MONUC itself.

While keeping these dilemmas in mind, it is notable that the Indian and Uruguayan contingents each sent a patrol out around 4 p.m. on 5 November—roughly two hours after the CNDP had regained control of Kiwanja and begun summarily executing civilians. According to Human Rights Watch, both patrols found bodies in the streets, but, 'No further action was taken by MONUC to stop the killings or to enhance protection for civilians in the town.'[122] While it is uncertain whether the MONUC commanders had enough information to fully understand what was happening around them, it is unclear why they did not choose to take additional action on the basis of the reports of these patrols, and the intermittent gunfire they presumably could hear echoing in the valley.

The north-east. Compounding the challenges MONUC faced in North and South Kivu during this period, militias in Ituri and the LRA further north in Haut Uélé also threatened civilians.

In July 2008, MONUC supported the FARDC Operation Iron Stone against the FRPI militia in the area of Tchey—a village 30 km south of Ituri's capital, Bunia.[123] The FRPI retaliated against FARDC positions and seized control of a key regional road in September, but with MONUC's support, the FARDC recaptured much of that territory, and took control of FRPI headquarters in Tchey itself in early November. At the same time, new militia groups announced their presence by attacking FARDC positions and looting villages.

The LRA is a Ugandan insurgent group formed in 1987 with a mission to overthrow the Ugandan government.[124] Long supported by the Sudanese government in retaliation for Ugandan support for the Sudanese People's Liberation Army rebels, they are renowned for their brutality, indiscriminate violence, and abduction of children to serve as soldiers, sex slaves, and porters.[125] Beginning in 2005, the LRA sought sanctuary

[121] HRW (2008, ch. VII).
[122] HRW (2008, ch. VII).
[123] *Fourth Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/728 of 21 November 2008 (p. 7).
[124] Jackson (2002).
[125] Jackson (2002).

in the remote, largely ungoverned far north-east of the DRC, and particularly the environs of the Garamba National Park.[126] In September 2008, following failed peace talks between the LRA and the Ugandan government, MONUC and the FARDC launched Operation Rudia to contain the LRA inside the national park, cut off supply routes, encourage defections, and prevent human rights abuses against Congolese civilians in the area.[127] Two hundred MONUC soldiers were deployed to the district capital at Dungu to back the 2,000 Congolese troops called for in the operational plan, but by mid-September the FARDC contingent had not been fully deployed. In the meantime, the LRA had launched at least ten attacks on Congolese civilians between 17 September and 4 October 2008, killing 76 and abducting 177 children.[128]

As the FARDC contingent came up to full strength in mid-October, it began deploying from the town of Dungu and launching operations. Faced with logistical challenges, the FARDC was forced to abandon long-distance deployments, leading the local FARDC commander to request MONUC's support to deploy to Faradje and Doruma. MONUC declined for reasons that were unclear, but speculation from within the mission was that its focus was on the crisis in the Kivus unfolding at the same time, and that the FARDC would be unable to defend itself from the LRA in such remote bases, far from MONUC backup.[129]

After months of stalling by the LRA's commander, Joseph Kony, to sign a laboriously negotiated peace deal, the Ugandan government set a 29 November deadline. When that passed without any sign of progress, the Ugandan and Congolese governments, with US planning and logistical support, launched Operation Lightning Thunder. The plan called for the bombing of LRA camps in Garamba by jets followed immediately by a ground assault by Uganda troops. On the day of the assault—14 December 2008—difficulties with the jets meant noisier attack helicopters were used instead, giving the LRA ample warning, and transport problems delayed the deployment of the Ugandan ground troops by 72 hours. According to children who were in the camps at the time and later escaped, Kony had left on a hunting expedition only 20 minutes before the attack, and the

[126] *The Christmas Massacres: LRA Attacks on Civilians in Northern Congo,* HRW, February 2009, pp. 13–18).

[127] Ibid. (2009, pp. 13–18).

[128] *Fourth Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/728 of 21 November 2008 (p. 7).

[129] *Fourth Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2008/728 of 21 November 2008 (p. 7).

delay in the arrival of ground troops allowed the LRA to break into smaller groups and disperse into the bush.[130]

MONUC was not involved in the planning or execution of Operation Lightning Thunder; indeed, the mission was only informed of it hours before the operation began.[131] Although the operational plan called for Congolese troops to protect civilians while the Ugandans pursued the LRA, ten days later there were no FARDC in the main towns surrounding the LRA's former base.[132] Thus, when the LRA launched a coordinated series of attacks on 24 and 25 December 2008, Congolese civilians were easy targets.

Between 24 December 2008 and 17 January 2009, the LRA killed at least 815 Congolese civilians, 50 Sudanese civilians, and abducted 160 children from the town of Faradje.

The mission, the Secretariat, and the Security Council. As the mission faced crises in the east, it was also shaken in Kinshasa. General Babacar Gaye was coming to the end of his three-year tenure as MONUC Force Commander, and the Secretary-General appointed Spanish Lt.-Gen. Vicente Díaz de Villegas as his replacement.[133] Gen. Villegas assumed command on 4 October 2008, but resigned only 3 weeks later, citing personal reasons. However, in February 2009, *El País* published excerpts of a report Villegas had submitted to DPKO the previous month.[134] Those excerpts indicate that he saw the peace enforcement role assigned to MONUC under the disengagement plan developed in mid-September 2008 to resolve the crisis in the Kivus as untenable. According to Villegas:

> It was a matter of applying military pressure on armed groups through offensive action for which the troops of MONUC had no mandate or capacity. In fact, the plan was totally divorced from reality.[135]

He pointed out the limited operational capacity of the force and that because it lacked flexibility and mobility, it could only protect the popu-

[130] Ibid.

[131] Ibid.

[132] *The Christmas Massacres: LRA Attacks on Civilians in Northern Congo,* HRW, February 2009, p. 29.

[133] *Letter Dated 2 September 2008 from the Secretary-General Addressed to the President of the Security Council*. S/2008/591 of 5 September 2008.

[134] González and Pozzi (2009).

[135] González and Pozzi (2009). Translated from the original Spanish: 'Se trataba de aplicar presión militar sobre grupos armados a través de acciones ofensivas para las cuales las tropas de MONUC no tenían mandato ni capacidad. De hecho, dicho plan estaba totalmente divorciado de la realidad.'

lation in major towns and cities, and along key roads. Elsewhere, the mission could only protect itself.[136]

Villegas noted the lack of night-vision goggles, heavy weapons, helicopters, ammunition, and medical supplies required for offensive operations. In his view, if Nkunda refused to abide by the disengagement plan, a MONUC offensive could only succeed through the rapid defeat of the CNDP by the combined forces of the mission and the FARDC—an unlikely prospect given the balance of forces and their track record to that point. He was particularly concerned that, if the CNDP had been able to launch a counterattack, peacekeepers in smaller bases would have made easy targets for retaliation. Moreover, it could have set the stage for massacres of civilians by actors on both sides.[137]

In his report, Villegas claimed to have brought his concerns to SRSG Alan Doss only to have them dismissed. Invoking the examples of the UN Protection Force in the Balkans (UNPROFOR) and the UN Operation in Somalia II (UNOSOM II), he concluded that it was better to resign and draw attention to what he saw as dangerous mission creep.

Lacking a Force Commander in the midst of a major crisis, the Secretary-General quickly requested the reappointment of Gen. Gaye on 31 October 2008.[138] The same day, the Secretary-General sent a note prepared by DPKO to the Security Council explaining the need for additional troops, airlift capacity, information gathering and analysis, and engineering capabilities.[139] The expansion, entailing an increase of 2,785 troops and 300 FPU officers, was endorsed by the Council on a temporary basis until the end of the year in resolution 1843 (20 November 2008).[140]

Just over a month later, the Council undertook a major realignment of the mission by passing resolution 1856 on 22 December 2008. Council deliberations leading to the adoption of the mandate emphasized the general consensus that the protection of civilians should be a high, if not the highest, priority of the mission. Belgium and Burkina Faso argued that MONUC should be given a mandate allowing action (independently of the FARDC) against armed forces in order to protect civilians. Belgium explained an awareness of MONUC's limitations while also recognizing the need for action:

[136] González and Pozzi (2009).

[137] González and Pozzi (2009).

[138] *Letter Dated 31 October 2008 from the Secretary-General to the President of the Security Council.* S/2008/681 of 31 October 2008.

[139] *Letter Dated 31 October 2008 from the Secretary-General to the President of the Security Council.* S/2008/703 of 12 November 2008.

[140] S/RES/1843 of 20 November 2008.

> The capacity of MONUC is limited. It cannot be ubiquitous and act everywhere simultaneously; but where it is present, where it can be deployed in time and where civilian lives are endangered, it must act. This is of the highest priority. It must be absolutely clear that MONUC in that case can act in an independent fashion and that it will do so in accordance with its mandate.[141]

While Libya explained that protection of civilians was ultimately a consideration of the Congolese government and armed forces, other nations took a more cautious approach to recognizing the FARDC as a major human rights violator. The Russian Federation cautioned against the authorization of coercive force against FARDC troops. Resolution 1856 reads:

> *Acting* under Chapter VII of the Charter of the United Nations,
>
> [. . .]
>
> 2. *Requests* MONUC to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to concentrate progressively during the coming year its action in the eastern part of the Democratic Republic of the Congo;
>
> 3. *Decides* that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to:
>
> *Protection of civilians, humanitarian personnel and United Nations personnel and facilities*
>
> (a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict;
>
> (b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons;
>
> [. . .]
>
> (e) Carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance;
>
> [. . .]
>
> 5. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 3, subparagraphs (a) to (g), (i), (j), (n), (o), and in paragraph 4, subparagraph (e);

[141] S/PV.6024 of 26 November 2008.

> 6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4.[142]

In addition to explicitly and unequivocally placing the protection of civilians at the very centre of the mission, resolution 1856 (2008) also requested the Secretary-General to develop a plan to hand off many of the mission's activities in western DRC to the UN Country Team in order to concentrate its efforts—and forces—in the east. It further highlighted the issue of sexual violence in the east, requested that MONUC strengthen its action to address that threat, and report on those actions to the Security Council.

This resolution did not, however, directly acknowledge the fundamental tension between the imperative to protect civilians on the one hand, and the requirement to work closely with the Congolese government—and particularly the FARDC, which remains one of the chief threats to civilians—on the other. It did so only tangentially:

> *Emphasizes* that operations led by the FARDC against illegal foreign and Congolese armed groups should, consistent with the mandate set forth in paragraph 3 subparagraph (g) above, be planned jointly with MONUC and in accordance with international humanitarian, human rights and refugee law and should include appropriate measures to protect civilians.[143]

The mission's role, however, was further revised by developments among the parties on the ground. As reported in the Secretary-General's 27 March 2009 report to the Security Council, on 5 December 2008 the Rwandan and Congolese governments announced a joint plan to deal with the FDLR in the DRC.[144] In early January 2009 a rift emerged among the CNDP's leadership when Chief of Staff Bosco Ntaganda announced that he had replaced Nkunda as the leader of the group. Uncertainty reigned as Ntaganda and the Congolese government announced not only a cessation of hostilities, but also their cooperation against the FDLR, and the immediate integration of the CNDP into the FARDC. That uncertainty was resolved when the Rwandan government arrested Nkunda on 22 January, effectively ending his leadership of the CNDP.[145]

[142] S/RES/1856 of 22 December 2008.

[143] Ibid. (para. 14).

[144] *Twenty-seventh Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2009/160 of 27 March 2009 (pp. 1–3).

[145] *Twenty-seventh Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2009/160 of 27 March 2009.

Events moved rapidly at that point. A joint FARDC–Rwandan Defence Forces (RDF) operation (entitled Umoja Wetu) against the FDLR began on 20 January 2009, when close to 4,000 RDF troops crossed into the DRC. MONUC had not been involved in its planning and did not participate. It did, however, negotiate a role to review tactical operations to ensure that the protection of civilians was accounted for.[146] Despite this arrangement, the mission was largely sidelined by the FARDC and RDF, which shared only limited information.[147]

The operation concluded on 25 February when RDF troops began to leave the DRC, and it has become evident that the operation had little impact on the FDLR. While generating more than 6,000 Rwandan returnees—four times the number repatriated in all of 2008 in the space of a few weeks—only 1,476 of those were combatants.[148] It temporarily forced FDLR groups from their strongholds in Rutshuru, Lubero, and Masisi territories, depriving them of the revenue generated through illegal taxation of the population. However, the FDLR have not only retaken much of the lost territory since the operation ended, they have brutally retaliated against civilians they accuse of collaborating with the operation.[149]

Conclusion

From its beginnings as an observer and monitoring mission established in 1999, MONUC's attention to the protection of civilians has expanded along with its role and size. Over the first three years of the mission's existence, it paid relatively little attention to POC, focusing instead on verifying the compliance of the signatories to the Lusaka Accords and attempting to maintain political momentum behind the peace agreement. However, beginning with the 2002 Kisangani massacre, it became increasingly evident that MONUC's credibility and legitimacy with the Congolese population and the array of spoilers threatening the peacebuilding project depended significantly on its ability to protect civilians. The Ituri crisis brought the issue to fore not just for the mission, but the Security Council. From 2003 onwards it generally continued to ascend the list of priorities, culminating in the current mandate's strong focus on the protection of civilians.

[146] *Twenty-seventh Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2009/160 of 27 March 2009 (pp. 1–3).
[147] Ibid.
[148] Ibid. (p. 3).
[149] IWPR (2009); 'DR Congo: Brutal Rapes by Rebels and Army', HRW, 8 April 2009.

Along the way, however, it has suffered many protection failures—some due to the complexity of its mandate; some due to inadequate resources; and some due to poor application of those resources.

The mission has particularly struggled to balance the political and protection of civilians aspects of its mandate, and at times has revealed a lack of understanding about the relationship between the two. Its reluctance in 2004 to confront Nkunda and Mutebutsi at Bukavu for fear of the political repercussions is particularly revealing: the mission clearly did not expect the heavy blow it suffered to its legitimacy as a result of its failure to protect civilians.

More recently, MONUC's joint operations with the FARDC have been a major source of controversy. The mission's support since March 2009 for Operation Kimia II against the FDLR—a FARDC-led follow-on to the equally dubious joint Rwandan-Congolese Operation Umoja Wetu earlier in the year—has garnered particularly sharp criticism. Even as many humanitarian and development actors agree that the FDLR need to be disarmed, it has been pointed out that:

> In a bleak calculation by the coalition, for every rebel combatant disarmed during the operation, one civilian has been killed, seven women and girls have been raped, six houses burned and destroyed, and 900 people have been forced to flee their homes.[150]

MONUC responded by underscoring that its mandate is 'to protect civilians, to minimize to the full the impact of military operations on civilians, as well as to help the legitimate DRC government to weaken and neutralize the FDLR,' illustrating the dilemma it faces.[151]

For all of the high-profile failures, though, MONUC has proven remarkably innovative at the tactical level, and at times pushed the boundaries of peacekeeping in order to implement its POC mandate. From mobile operating bases to the threat matrices of the Civil Affairs section; from the Ituri Brigade to Joint Protection Teams, the dedication and determination of MONUC personnel operating under incredibly challenging conditions continue to generate new approaches to implementing their mandate to protect civilians. In so doing, they offer valuable lessons for current and future UN peacekeeping missions.

[150] 'DR Congo: Civilian Cost of Military Operations is Unacceptable', HRW, 13 October 2009.

[151] *MONUC Responds to NGOs' Statement on the Repercussions of Operation Kimia II on Civilians*. 15 October 2009.

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CASE STUDY 2

United Nations Operation in Côte d'Ivoire (UNOCI)

Introduction

Following the signing of the 2003 Linas-Marcoussis peace agreement, the United Nations Operation in Côte d'Ivoire (UNOCI) was established in 2004 to support the transition of the Government of National Reconciliation. Between 2004 and 2007, the mission's attention to, and focus on, the issue of protection of civilians (POC) has varied from being understood as a task secondary to acting in support of the peace agreement, to being accepted as a greater priority when faced with crises and threats against civilians posed by militia, criminality, riots, and ethnically motivated and xenophobic violence. However, since the 2007 Ouagadougou Peace Accord, UNOCI's posture has shifted, de-emphasizing the mission's role in directly protecting civilians under imminent threat of violence.

This case study describes how the Security Council (when issuing mandates), the Secretariat (when planning for the mission), and the mission itself (prior to the study team's visit in February 2009) have approached the issue of POC in the context of UNOCI. By highlighting POC issues surrounding the planning process, deployment, and major crises, this case study serves as an example and reference to supplement the first five chapters of this study, particularly Chapter 4.[1]

This case study begins by providing a brief overview of the history of the conflict and the context in which UNOCI was initially created. It describes the Security Council deliberations surrounding the mission's first mandate, as well as mission planning and deployment. The study then

[1] A note on source material: this chapter represents the research team's best efforts to collect and analyse all relevant information for UNOCI. For a variety of reasons, however, these efforts did not yield comprehensive results. In some cases, certain key documents that the team knows exist were not made available. In others, the team may not have been made aware of the existence of relevant material. To a large extent, these problems reflect the issues with information tracking and sharing mechanisms within and between the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, and the mission itself. Although the authors believe this analysis to be accurate, they are aware of the possibility that key information to which they did not have access could lead to different conclusions than those reached here.

considers the evolution of the mission since 2004, exploring its shifting attitude and approach to POC over time.

Background

In 1993, following the death of longtime President Félix Houphouët-Boigny, Côte d'Ivoire descended into political instability as a struggle for power ensued. In a 1999 coup, the Chief of Staff of the Ivorian National Armed Forces (FANCI), Gen. Robert Guéï, ousted sitting President Henri Konan Bédié and took power. After attempting to rig national elections the following year, Guéï was forced from office by civil unrest, allowing Laurent Gbagbo's Front Populaire Ivoirien (FPI) to take power. Former Prime Minister Alassane Ouattara had been disqualified from running in the elections because of his alleged Burkinabe origins, leading to clashes between Gbagbo's (mainly Christian and southern) supporters and Ouattara's (mostly Muslim northerners) following the elections. Tensions between these groups continued through early 2001.

In September 2002 a mutiny by unpaid soldiers quickly turned into a full-scale rebellion. This led to the emergence of the Mouvement Patriotique de Côte d'Ivoire (MPCI) rebel group, which seized control of much of the north of the country. In October, a short-lived ceasefire was brokered by intervening French forces that included provisions for the deployment of peacekeeping forces under the Economic Community of West African States (ECOWAS)—the ECOWAS Mission in Côte d'Ivoire (ECOMICI). The ceasefire quickly fell apart and clashes erupted anew, especially around the cocoa-industry centre of Daloa. By the end of the year, the west had been seized by the Mouvement pour la Justice et la Paix (MJP) and the Mouvement Populaire Ivoirien du Grand Ouest (MPIGO).[2] In January of the following year, under political pressure from all sides (and considerably constrained by the presence of the French Licorne forces), the belligerents signed the Linas-Marcoussis Agreement, outlining plans for a power-sharing Government of National Reconciliation and a programme of political, judicial, and governance reforms addressing the roots of the conflict.[3] It was into this context that ECOMICI and the United Nations

[2] The MJP and MPIGO were previously unknown rebel groups with ties to Charles Taylor and the Liberian government, and composed in significant part by veterans of Liberian and Sierra Leonean rebel groups (such as the Revolutionary United Front). See ICG (2003) for details.

[3] Linas-Marcoussis Agreement (2003).

Mission in Côte d'Ivoire (MINUCI), a small political mission created in May 2003, deployed.

The 2003 Linas-Marcoussis Agreement brought together not only the belligerents—Gbagbo and the FPI on one side; Guillaume Soro and the newly formed alliance of the MPCI, MPIGO, and MJP known as the Forces Nouvelles de Côte d'Ivoire (FN)[4] on the other—but also the full range of Ivorian opposition parties. It laid out a plan in which an interim Government of National Reconciliation would be formed, led by a consensus prime minister who would not be able to stand in the subsequent presidential elections. Executive authority normally invested in the president was to be devolved to the prime minister until after those elections. This would allow the interim government to implement the peace process, which involved restructuring the security forces and disarming and demobilizing militias. The first prime minister appointed was accused by Gbagbo supporters (such as the Young Patriots)[5] of being too soft on the FN rebels[6] and was replaced in December 2005 by Charles Konan Banny. However, President Gbagbo consistently refused to devolve his powers as envisioned in the peace agreement, creating one of the most significant impediments to enacting the Linas-Marcoussis Agreement over the subsequent years.[7] It was not until 2004 that UNOCI deployed to support the agreement.

The mandate

UNOCI was mandated by resolution 1528 (27 February 2004) to take over from ECOMICI and MINUCI beginning in April 2004. UNOCI was deployed primarily to assist in the implementation of the 2003 Linas-Marcoussis Agreement, which created a Zone of Confidence (ZOC) between areas in the south controlled by FANCI and areas in the north and west controlled by the FN.

Open Security Council deliberations leading to the adoption of resolution 1528 (2004), and the establishment of UNOCI, reflect little discussion regarding the potential mandate or role of the mission. However, a statement by the Secretary-General, immediately following the adoption of resolution 1528, highlights his view of the mission's role:

[4] ICG (2003).

[5] The Young Patriots are one of a number of militias aligned with the Gbagbo government. In general, they follow hardline xenophobic and ultra-nationalist ideology, and have been implicated in serious human rights abuses, including killing civilians. For details, see HRW (2005) and ICG (2003).

[6] IRIN (2004).

[7] ICG (2007).

> A strengthened United Nations presence in Côte d'Ivoire will make it easier for the Government of National Reconciliation to implement the [disarmament, demobilization, and reintegration] programme. It will also facilitate the provision of humanitarian assistance and the restoration of State authority throughout the country, contribute to the promotion of human rights and the re-establishment of the rule of law and help the country prepare for the holding of fair and transparent general elections in 2005.[8]

The Council authorized UNOCI entirely under Chapter VII from its inception, and included a paragraph with standard language on the protection of civilians under imminent threat (grouped with protection of UN personnel and institutions). It stated that part of UNOCI's mandate would be:

> To protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment.[9]

The resolution went on to authorize UNOCI 'to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment.'[10]

In addition to explicitly mandating UNOCI to protect civilians under imminent threat, resolution 1528 included sections under Chapter VII requiring the mission to help establish the security environment required for the return of internally displaced persons (IDPs), the provision of humanitarian assistance, and the needs of vulnerable populations. Language relating to UN personnel and humanitarian assistance follows the standard format. Sexual and gender-based violence and women are addressed through a human rights lens and children only taken into account in light of the process of disarmament, demobilization, and reintegration (DDR). UNOCI was also directed to support the Government of National Reconciliation with regard to the situation of Liberian refugees.

For the duration of the UNOCI mission, available transcripts of Security Council deliberations regarding the situation in Côte d'Ivoire make no mention of POC as a concept, strategy, or task to be undertaken by UNOCI. Nor is there any reference to the protection responsibilities of involved actors, namely the FPI and FN forces. Security Council open

[8] S/PV.4918 of 27 February 2004.
[9] S/RES/1528 of 27 February 2004, para 6(i).
[10] Ibid. (para. 8).

meetings regarding Côte d'Ivoire did not typically address the security of the civilian population; however incidents of major violence were denounced (as was the case regarding widespread human rights violations on 25 and 26 March 2004 in Abidjan and the Korhogo massacre of June 2004).[11] More than once, the Security Council condemned hate speech in the Ivorian public media—a major cause of concern regarding the potential for mass atrocities.

Mission planning and deployment

Military planning

The Secretary-General's report of 6 January 2004 made it clear that 'the most immediate priority of the proposed United Nations peacekeeping operation would be to take over and reinforce the role being performed by ECOMICI in the Zone of Confidence'.[12] It went on to designate a number of specific tasks for the proposed military contingent of UNOCI, emphasizing in the first place its monitoring and deterrent role with regard to the ceasefire line, but including a number of other tasks, among which protection of civilians 'under imminent threat' ranked relatively high. This prioritization is likewise reflected in the 2 April 2004 Operations Plan (OPLAN) issued by UN headquarters, which describes its intent to:

> conduct a phased peacekeeping operation in Côte d'Ivoire, with the initial focuses on the security environment along the Zone of Confidence (ZOC) and the support to the activities at the DDR actual sites, in close cooperation with the French forces already in the country, benefitting from their current deployment and making the maximum use of their knowledge of the local situation.[13]

In describing the concept of operations (CONOPS), the OPLAN reiterates this point, but integrates protection of civilians 'under imminent threat' as a component task:

> The most immediate priority of the operation will be to take over and reinforce the role performed by MINUCI, ECOMICI and Licorne forces in the ZOC. Specific tasks will include:
>
> [. . .]

[11] S/PV.5018 of 5 August 2004 .

[12] *Report of the Secretary-General on the United Nations Mission in Côte d'Ivoire Submitted Pursuant to Security Council Resolution 1514 (2003) of 13 November 2003*, S/2004/3 of 6 January 2004, para. 62.

[13] *UNOCI Operations Plan*, New York: Police Division, UNDPKO, 2004.

> To protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within capabilities and areas of deployment.[14]

The OPLAN's appended threat assessment acknowledges that 'the majority of incidents [had] been the result of independent action by local rebel or loyalist force commanders, rather than part of any co-ordinated military action' and notes incidents of ethnic violence in the west. However it largely focuses on the two former belligerents and signatories of the Linas-Marcoussis Agreement, FANCI and the FN.

Police planning

A parallel process was undertaken by the UN Police (UNPOL) Assessment Mission, whose February 2004 report reviewed the inadequacies of the existing Ivorian national police and gendarmerie. Notably, it paid considerably more attention to the threat posed by 'urban militias' associated with Gbagbo and the FPI in the cities of Abidjan, Gagnoa, Duékoué, and Guiglo. It also highlighted the proliferation of criminal activity in the ZOC as a result of the unintended security vacuum created by the exclusion of all government and rebel forces, and argued that criminality was 'contributing to the instability and insecurity in the region'.[15]

Available planning documents envisioned a UN civilian police unit capable of advising and restructuring the national police and gendarmerie, 'proactively' observing national police to deter human rights abuses, supporting DDR in the north, and training and advising law enforcement officials. In an effort to protect UN facilities from predictable violent demonstrations, the Secretary-General suggested in January 2004 that several Formed Police Units (FPUs) with crowd-control capabilities be deployed to Abidjan.[16] Both the Secretary-General's report of 6 January 2004 and the UNPOL Assessment Mission failed to mention a role for police in POC. This raises a question common to many UN operations: whether an absence of protection language relating to police implies inherent protection duties or absolves police of their protection responsibility.

[14] *UNOCI Operations Plan*, New York: Police Division, UNDPKO, 2004.

[15] *Assessment Mission Report on Côte d'Ivoire*, New York: Police Division, UNDPKO, February 2004.

[16] *Report of the Secretary-General on the United Nations Mission in Côte d'Ivoire Submitted Pursuant to Security Council Resolution 1514 (2003) of 13 November 2003*, S/2004/3 of 6 January 2004.

Following the adoption of resolution 1609 (2005), the revised CONOPS reflected a more explicit role for FPUs than for civilian police in the protection of civilians, as noted by an UNOCI police official:

> As mandated by [Security Council resolution] 1609 (2005), specifically para. 'K', three (3) Formed Police Units (FPUs) will be deployed in Abidjan, Bouak[é], and Daloa to assist and support UNOCI Forces and local authorities in the provision of security to protect UN personnel, installations and equipment; ensure freedom of movement of UN personnel; act on self defence and in protection of civilians under imminent threat of physical violence, within its capabilities and its areas of deployment.[17]

The protection responsibilities and tasks assigned to FPUs in the Police CONOPS were appropriately accompanied by rules of engagement (ROE) and *Directives on Detention, Searches and Use of Force*.[18] The latter provided FPUs with the authority to stop, detain, and search individuals who threaten civilians with imminent physical violence, as well as the authority to use force—including firearms 'to protect civilians, including humanitarian workers, against an imminent threat of death or serious bodily injury.'[19] Almost identical directives were issued to the UN Organization Mission in the Democratic Republic of the Congo (MONUC).

Civilian planning

Research did not reveal an obvious 'document trail' on planning for the civilian side of the mission. UNOCI was planned as an integrated mission, with a Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator (DSRSG/RC/HC) linking the UN Country Team and the mission. Between 2004 and 2006, anti-UN sentiment was reportedly relatively high and there were typical calls to ensure 'space' between the work of the UN humanitarian agencies and other actors and the political objectives of the mission.[20] Indeed, the 'humanitarian space' debate would continue to be a key feature of POC policy discussions until the time of the Ouagadougou Agreement, discussed below. The mission deployed with substantive civilian sections, including Human Rights and Child Protection, as well as a gender adviser.

[17] Confidential end-of-mission report.

[18] *Directive on Detention, Searches and Use of Force for Members of Formed Police Units on Assignment with the United Nations Operation in Cote d'Ivoire (UNOCI), New York: Police Division, UNDPKO,* 25 August 2005.

[19] Ibid.

[20] Jeffries and Porter (2004).

Military deployment and operations

The initial authorized size and composition of UNOCI included 6,040 troops, 200 UN military observers (UNMOs), and 350 UNPOL, folding in the existing ECOMICI force of 1,478 (including 150 gendarmes). As the Secretary-General's instigating report made clear, the recommended force size was based on the assumption that Licorne forces would guarantee the availability of a Quick Reaction Force (QRF) whenever it was requested by the UN Force Commander.[21] UNOCI deployed relatively quickly, approaching 50% of its initial authorized size by May 2004 and 94% of its troop strength by August 2004. In response to repeated requests from the Secretary-General for an increase in the size of the military component beginning in his report of December 2004, Security Council resolution 1609 (June 2005) authorized an increase for UNOCI to 7,090 troops.[22]

Over the first three years of UNOCI's deployment, progress on implementing the Linas-Marcoussis Agreement was fitful at best, and both sides (and their component factions) manipulated the process along the way. In November 2004, FANCI launched military offensives against the FN (violating the ceasefire) that culminated in the bombing of a Licorne base and the death of nine French soldiers.[23] The French government retaliated by destroying almost the entire Ivorian air force, triggering massive riots targeting French citizens and opposition figures in a number of cities by the Young Patriots (backed by FANCI in some instances). UNOCI provided shelter to an estimated 2,000 people over this period.[24] Following the incident, the Gbagbo government and its supporters and proxies routinely confronted UNOCI and Licorne troops with violence and provocation, sometimes in attempts to target FN or FN supporters; just as often, however, they targeted the 'impartial forces', as UNOCI and Licorne became known.

The crisis that ensued following the Licorne's retaliation against the Ivorian air force also prompted the Secretary-General to raise the issue of UNOCI's responsibility and capacity to protect civilians:

> Meanwhile, the recent crisis has brought into focus UNOCI's responsibilities regarding the protection of civilians, both in Abidjan and more widely in the country. At the same time the crisis has highlighted the limitations

[21] See 'The relationship with Licorne forces in the context of POC', below.

[22] S/RES/1609 of 24 June 2005.

[23] *Third Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, S/2004/962 of 9 December 2004.*

[24] Ibid.

> of the Mission when faced by massive unrest and attacks against certain groups of civilians that are clearly orchestrated, organized and undertaken in a climate of impunity. The question arises of how protection can best be provided for civilians, both Ivorian and foreign nationals, in such circumstances. In this regard, I would invite the Security Council and regional leaders to consider long-term strategies that could be employed in this pivotal West African country, including by the United Nations.[25]

It is notable that, despite requesting additional troops to address other shortfalls that were made apparent by the crisis in the same report,[26] the Secretary-General's report did not further request additional resources to enhance UNOCI's capacity to protect civilians. Indeed, in framing the issue the report seems to focus entirely on 'long-term strategies,' rather than immediate measures.

The Security Council visited West Africa, including Côte d'Ivoire, in June 2004. In its report, the Council noted the concern expressed by the Force Commander of UNOCI that, unlike those of the Licorne forces, the mission's ROE did not permit it to use force in monitoring the ceasefire nor in providing protection to civilians under threat of imminent physical violence in the ZOC.[27] The UNOCI ROE dated 2 April 2004, however, specifically authorizes the use of force—up to and including deadly force—to protect civilians under imminent threat of physical violence, making no distinction as to geographic location.[28] In this regard it is identical to the ROE issued to MONUC in 2006.

The relationship with Licorne forces in the context of POC

The French Operation Licorne was first deployed in 2002 as a non-combatant evacuation operation (NEO) but rapidly evolved into a wider operation to fulfill France's treaty obligations to defend the Ivorian government (then headed by President Gbagbo and the FPI) against the FN rebellion. Even

[25] Ibid (para. 78).

[26] 'The requirements to meet UNOCI's emergency needs are described in section III above, and include: one infantry battalion to provide a force reserve; additional air assets; a small-boat unit for deployment of troops and extraction of staff; additional personnel for close protection tasks; one formed police unit to enhance protection for UNOCI headquarters in Abidjan, and; a small level-1 plus hospital. Additionally, a modest increase in civilian staff in some key areas is recommended, including security and public information, as well as for tasks related to implementation of the arms embargo imposed under Security Council resolution 1572 (2004).' Ibid. (para. 77).

[27] *Report of the Security Council Mission to West Africa, 20–29 June 2004,* S/2005/525 of 2 July 2004.

[28] *UNOCI Rules of Engagement for the Military Component of the United Nations Operation in Côte d'Ivoire*, New York: Office of Military Affairs, UNDPKO, 2 April 2004, rule no. 1.7.

without significantly engaging the MPCI in the north, the French troops positioned between Bouaké and Yamoussoukro forced the MPCI to halt its advance and sign a ceasefire that included a monitoring role for the French forces. The newly formed MPIGO clashed with the French forces a number of times while trying to take the airport at Man, which Licorne ground and air assets had secured for the NEO.

At its height in 2002 and 2003, Licorne had nearly 5,000 troops and considerable air assets (fixed-wing transport and reconnaissance, as well as transport helicopters). As of April 2008, it had drawn down to 1,800 troops. UN Security Council resolution 1464 (February 2003), which provided UN authorization of the operation several months after it had deployed, included a notable mandate to protect civilians:

> *Acting* under Chapter VII of the Charter of the United Nations, and in accordance with the proposal contained in paragraph 14 of the conclusions of the conference of Heads of State on Côte d'Ivoire, authorizes Member States participating in the ECOWAS forces in accordance with Chapter VIII together with the French forces supporting them to take the necessary steps to guarantee the security and freedom of movement of their personnel and *to ensure, without prejudice to the responsibilities of the Government of National Reconciliation, the protection of civilians immediately threatened with physical violence within their zones of operation, using the means available to them*, for a period of six months after which the Council will assess the situation on the basis of the reports referred to in paragraph 10 below and decide whether to renew this authorization.[29]

From its inception, UNOCI had a unique and vital arrangement with Licorne such that the French forces guaranteed a QRF. As outlined in detail in the April 2004 OPLAN, each force would station liaison teams at the other's headquarters, and in the event of an emergency, UNOCI could request the support of a Licorne QRF anywhere in Côte d'Ivoire. Requests would be evaluated on a case-by-case basis, but if approved would result in French forces being placed under the temporary tactical command of the UNOCI Force Commander. This arrangement was activated at least once (in March 2005) in response to heightened tensions following a breach of the ceasefire.[30]

[29] S/RES/1464 of 4 February 2003, para. 9, emphasis added.

[30] *Fourth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, S/2005/186 of 18 March 2005.

UN Police deployment and operations

The initial authorization of the UNOCI police component included only 350 unarmed civilian police advisers and trainers and no FPUs. Police deployment lagged somewhat behind the military component, with only 62% of its authorized size deployed by June 2005. On the 17th of that month, the Secretary-General, in his fifth report on UNOCI, emphasized the critical role played by civilian police in support of the Pretoria Agreement[31] and their role in assisting the UNOCI military component in protecting civilians under imminent threat of physical violence within the ZOC. The Secretary-General further recommended the authorization of three FPUs for deployment in Abidjan, Bouaké, and Daloa for protecting DDR sites and performing crowd control functions.[32]

Security Council resolution 1609 (24 June 2005) responded to the Secretary-General's report by authorizing an increase to 725 police, including three FPUs. The FPUs became particularly important due to the increasing number of confrontations between UNOCI and 'uncontrolled' elements from both the FANCI and the FN, as well as 'patriotic youth organizations' (who became formally known as the Young Patriots) which engaged in violence targeting figures, communities, and institutions perceived as opposed to Gbagbo and the FPI. Due to several demonstrations marked by violent xenophobia, including the January 2006 incident discussed below, UNOCI primarily used its FPUs to protect UN facilities and personnel.

The mission's evolving approach to POC

The mission's approach to the protection of civilians has changed since its creation in 2004. Originally deployed to replace ECOMICI and take on the peacekeeping role in support of the Linas-Marcoussis Agreement, the mission initially conceptualized its role in relatively conventional peacekeeping terms: deploying along a specified ceasefire line in support of a formal peace agreement to reduce the likelihood of renewed fighting between two well-defined belligerents.

[31] The Pretoria Agreement was an agreement brokered by then South African President Thabo Mbeki to formally commit the parties to the peace process to the action plan they negotiated under his auspices on 6 December 2004. See *Fifth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, S/2005/398 of 17 June 2005 for further details.

[32] Ibid.

Linas-Marcoussis implementation

President Gbagbo's aforementioned unwillingness to devolve his powers as per the Linas-Marcoussis Agreement was only one of the key issues slowing the process of implementation. Controversy over whether large segments of the population were actually Ivorian citizens became another major impediment. In May 2006 the parties agreed to a system of mobile courts to be deployed throughout the country to receive citizenship applications, conduct public hearings on applicants' eligibility for citizenship, determine those eligible for citizenship, and issue (or reissue) corresponding documentation. However, their operations were systematically opposed—often violently—by the Young Patriots, and progress was consequently very slow.[33]

These disputes over citizenship particularly hindered the DDR process. Designed to demobilize former combatants or reintegrate them into the national armed forces, DDR was integrally linked to both the dismantling and disarmament of militias and the process of resolving questions of citizenship (referred to as 'identification'). Initially, the parties had agreed that DDR should proceed in parallel with the identification process, but the FN changed their position and insisted that DDR should only take place after identification—including of combatants—had been completed.[34]

Humanitarian and civilian protection framework

A protection 'network' was established by the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Côte d'Ivoire in June 2005 with a view to 'respond more systematically and coherently' to the protection needs of the civilian population. The network included prominent international NGOs, mandated UN protection agencies, UNOCI's Human Rights Division, and advisers from the Child Protection and Gender units, as well as International Committee of the Red Cross in their customary 'observer' role.

The network's aims included the '[collection and validation of] protection information', and the provision of analysis 'on which early warning action, advocacy and denunciation can be undertaken by the Humanitarian

[33] *Tenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*. S/2006/821 of 17 October 2006.

[34] *Tenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, S/2006/821 of 17 October 2006.

Coordinator, the [Inter-Agency Humanitarian Coordination Committee], the [Emergency Relief Coordinator] or the [Special Representative of the Secretary-General].'[35] From the available documentation it is difficult to deduce success in this respect. The network is credited, however, with 'preventive and responsive action',[36] as well as with improving collaboration and information exchange, and organizing inter-agency assessment missions. The network included two subgroups, the Child Protection Forum as of March 2006 and the IDP Protection Cluster as of April 2006. Under the umbrella of humanitarian reform and the rollout of the humanitarian cluster approach, UNHCR would eventually take over the chair of the group with revised terms of reference.

Threats to and protection of civilians

Although UNOCI had deployed under the impression that it would be operating in a more conventional peacekeeping environment, there was some awareness at the margins of the mission that the xenophobic discourse on *ivoirité* had become increasingly dominant. Although that discourse had changed since it was first exploited systematically by President Bédié in 1993, by the time the mission deployed it had generated a latent threat of ethnic violence and targeted violence by militias. From 2004 to 2007, numerous crises demonstrated the fragility of the peace, punctuated by direct threats to the peace agreement, to the civilian population, and to the UN mission itself.

Unique to UNOCI was the 2004 warning issued by UN Special Adviser on the Prevention of Genocide Juan Méndez, who pointed to a number of indicators of potential extreme violence.[37] He warned that hate speech was a crime under the International Criminal Court, of which Côte d'Ivoire was a state party.[38] It is of note that, following Méndez's warning,

[35] *Roundtable background paper*, New York: OCHA, 2006.

[36] *OCHA Annual Report 2005: Côte d'Ivoire*.

[37] Factors included a rise in incendiary hate speech, the firing of a television station owner by Gbagbo, the government-backed Young Patriot rebels in the street, and ongoing issues of citizenship. Author interview with former Special Adviser on the Prevention of Genocide Juan Méndez, April 2009. See also, *'Special UN Adviser on Genocide Warns of Ethnic Hate Messages in Côte d'Ivoire'*, UN News Centre of 15 November 2004.

[38] It is of note that Special Adviser Méndez issued similar warnings in late 2005 early 2006 following a trip to Côte d'Ivoire. He noted massive human rights violations based on ethnicity, religion, and national origin as well as the mobilization of ethnic identities for political ends and hate speech. See *Tenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire,* S/2006/2 of 3 January 2006, para. 63 and 'Press Conference by UN Special Adviser on Prevention of Genocide' of 7 April 2006.

there was disagreement among Council members as to whether to invite the Special Adviser for a briefing. While some representatives argued in favor of a briefing, others predicted that such a meeting could be counterproductive to the peace process, especially given that opposing Ivorian parties had recently taken a step forward by agreeing to appoint a prime minister.[39]

A typical example of the increasing use of proxies to pursue the conflict occurred in February 2005. A militia affiliated with the Gbagbo government launched an attack on an FN checkpoint in the ZOC. UNOCI troops deployed quickly and regained control of the town, and activated the Licorne QRF for reinforcement, but the attack would prove to be only the beginning of a more general pattern. The Secretary-General's report of March 2005 notes the increasing frequency of inter-ethnic violence in the western areas of the ZOC, perpetrated or provoked largely by pro-government 'patriotic youth organizations'.[40]

In June of that year, a series of ethnically targeted killings took place in a collection of villages near Duékoué that claimed more than 70 lives. The largest single incident occurred at Guitrozon, where at least 41 inhabitants—infants, children, women, and men—were slaughtered and 61 injured with machetes and rifles in a three-hour-long night-time attack that occurred within 200 metres of a FANCI checkpoint. The FANCI personnel apparently fired their weapons but did not leave their checkpoint to intervene. After the Guitrozon massacre, more people were killed in retaliatory attacks. A UNOCI patrol was the first to reach Guitrozon and provide assistance to the victims. Subsequently, UNOCI halted the cycle of violence by conducting 'robust and continued joint patrolling' in conjunction with FANCI troops. An internal UN report also noted that the area of the ZOC was reinforced with francophone troops from UNOCI. This action would be in keeping with other instances where the lack of effective communication with host populations has been perceived as the main cause of missed 'warning signs' of impending violence, although the report makes no specific assertion that this is the case.[41]

In January 2006 another major crisis broke out. The International Working Group—created by the African Union Peace and Security Council to assist and advise Côte d'Ivoire on implementation of the Linas-

[39] Security Council Report (2006).

[40] *Fourth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, S/2005/186 of 18 March 2005, paras 21–22.

[41] Internal UN report.

Marcoussis Agreement—recommended that the mandate of the deputies in the interim government not be extended.[42] In response, the Young Patriots launched violent demonstrations against UNOCI in Abidjan and other cities across the south. The riots were so severe that UN troops had to relocate away from five key towns in the far west to areas inside the ZOC, particularly after Bangladeshi troops shot five rioters who had stormed the UN compound in Guiglo. The relocation of UN forces left nearly 14,000 IDPs and other ethnic minorities unprotected.[43] Long-serving UNOCI staff continue to have differing perceptions of the Guiglo incident. Two UNOCI staff cited the Bangladeshi reaction as a positive example of UNOCI's willingness to use force and the creation of a deterrent effect. Another saw the incident in a negative light, citing the incident as one requiring 'crowd control skills' beyond normal military training that left 'live ammunition as the only option'.[44]

In his 11 April 2006 report, the Secretary-General re-emphasized an earlier request for reinforcements. In June 2006, the Security Council responded by adopting resolution 1682 authorizing the mission to increase its strength to 8,115 troops and 1,200 police—numbers the mission would never reach, but would approach at some points.[45]

One civilian group within UNOCI recalled an innovative use of the protection of civilians 'under imminent threat' language, dating back to the time of the ZOC. The FN and FANCI were excluded from operating in the ZOC, creating a security vacuum that led to escalating levels of criminality. At the time, the mission perceived that its mandate regarding its role in the ZOC was unclear, specifically its ability to detain alleged criminals in the absence of executive law enforcement powers. The group also recalled that the UN military component hesitated to intervene within

[42] On 6 October 2005 the African Union Peace and Security Council established the International Working Group at the ministerial level to help advise the Ivoirian parties. In addition to a main body, the International Working Group also had a day-to-day Mediation Group composed of the Special Representative of the Secretary-General (SRSG) and High Representative for Elections; a South African Special Envoy; the Special Representative of the Executive Secretary of ECOWAS; and the Special Representative of the Chairperson of the AU Commission in Côte d'Ivoire.

[43] Internal UN report.

[44] The study team was informed that no official reports covering the Guiglo incident in detail were produced by the UN or UNOCI; only an internal investigation by the troop-contributing countries concerned was conducted. Author interviews with UNOCI staff, Abidjan, February 2009. Following the mid-January riots and the relocation of staff, UNOCI began developing plans for redeployment in the west. The Secretary-General notes in his April report that: 'As part of the lessons learned from the January disturbances, personnel of formed police units are being deployed alongside the United Nations troops returning to the west, to ensure a crowd control capacity. The redeployment will subsequently cover Guiglo and Duékoué.' *Eighth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire,* S/2006/222 of 11 April 2006, para. 20.

[45] S/RES/1682 of 2 June 2006.

the zone, fearing escalation of violence, in particular large-scale retaliation. For this reason, military contingents at that time reportedly referred cases to forces on either side of the ZOC and asked them to enter the zone to deal with or apprehend perpetrators, actions which were technically illegal at that time. The mandate to 'protect civilians under imminent threat' was consequently used as the basis on which to build consensus and to construct a 'quasi-executive' instruction, legitimizing the temporary detention of suspected criminals within the ZOC before they could be handed over to either set of authorities.[46]

Abidjan Roundtable 2006

The 'Roundtable on the Implementation of Protection Mandates of the UN Peacekeeping Mission in Côte d'Ivoire (UNOCI)' was held in Abidjan on 24 May 2006.[47] The event came on the heels of Security Council resolution 1674 (2006) and at a time when UNOCI was focusing on protection issues in the ZOC and in the west of the country.[48]

An internal background paper for the roundtable provides insight into OCHA's perception of the challenges of implementing the protection mandate in 2006. Although advocating an approach to protection in which 'human rights, media and rule of law play a more proactive role', the report does not specifically frame these aspects as part of the POC agenda. Rather, it states that protection within the mandate is:

> limited to the 'protection of UN personnel, installations and equipment' and to 'facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions' as well as the protection of civilians under 'imminent threat of physical violence, within its capabilities and areas of deployment'.[49]

The paper also highlights a familiar tension regarding the need to enhance communication with the military and police components within the mission, recognizing their role in protection but also seeking distance from the mission given its political role and the clear anti-UN sentiment during the incidents of January 2006.

[46] Author interview with UNOCI civilian group, Abidjan, February 2009.

[47] *Report of the Roundtable on the Implementation of the Protection Mandate of the UN Peacekeeping Mission in Côte d'Ivoire (UNOCI),* OCHA, 24 May 2006.

[48] *Situation Report,* OCHA, 2006.

[49] *Roundtable background paper,* New York: OCHA, 2006 quoting S/RES/1528 of 27 February 2004.

The roundtable was well attended by member states, the UN Department of Peacekeeping Operations, OCHA, and UN agency headquarters, as well as UNOCI.[50] Both military and civilian angles were represented, and the two sessions were each followed by a period of discussion: the first panel session looked at 'protection of civilians under imminent threat of physical violence'; the second covered the broader humanitarian context. It is important to note that while the topics of discussion resonate strongly with the themes of this study, the substance of the roundtable's discussions and recommendations consisted more of calls to action than practical steps toward protecting civilians.

Among the presentations, former UNOCI Force Commander Abdoulaye Fall identified the various challenges of implementing a POC mandate. Notably, he mentioned the lack of priority with which UNOCI approached POC issues, as many other tasks (such as monitoring the ceasefire, protection of UN personnel and assets, protection of the Government of National Reconciliation, and DDR) generally took precedence over protecting civilians. Gen. Fall went on to reiterate the lack of clear guidance on how to interpret Security Council mandates, particularly the language of 'imminent threat', 'areas of deployment', and 'within capabilities'. Not surprisingly, the final report did not reflect a general consensus as to the interpretation of imminent threat language, nor did it suggest future steps in guiding interpretation. Furthermore, the panelists and discussants did not adequately highlight weak protection responses by the government, nor did they address potential ways for the government to complement an overall protection strategy. The report summarized the first session by highlighting key issues: the need for better-conceived mandates, the need for operational guidance, the need for joint planning mechanisms to assess the nature and imminence of threats, the need for capacity building (e.g. more FPUs), and finally that 'protection must be prioritised because the confidence and expectations of the population is measured by the fulfilment of their protection needs'.[51] This perspective aligns closely with that adopted by this study (see Chapter 1).

[50] Participants included SRSG Pierre Schori, DSRSG Abdoulaye Mar Dieye, former UNOCI Force Commander General Abdoulaye Fall, UNOCI Force Commander Fernand Amoussou Marcel, as well as UNOCI officers from sections such as Human Rights, Child Protection, DDR, and Gender Affairs.

[51] *Report of the Roundtable on the Implementation of the Protection Mandate of the UN Peacekeeping Mission in Côte d'Ivoire (UNOCI)*, New York: OCHA, 24 May 2006.

The roundtable did an effective job separating military and police components from the broader humanitarian context of protection. It is of note that the roundtable's second session highlighted the tension between UNOCI and international humanitarian actors, as some members of the humanitarian community perceived any integration and association with the mission as a constraint on humanitarian space. DSRSG Abdoulaye Mar Dieye went on to explain that the Inter-Agency Humanitarian Coordination Committee (IAHCC) had been established to allow Licorne and UNOCI commanders to discuss issues of humanitarian space and strategies for complementary action between UNOCI and the humanitarian community. The final report recommended the expanded use of IAHCC meetings as a means to coordinate humanitarian and mission activities.

The roundtable report also produced specific recommendations for UNOCI, including the creation of a coherent protection strategy, an integrated monitoring and early warning system in cooperation with humanitarian actors, and better integration between troops and FPUs.[52] Specific recommendations for the Security Council included tailoring mandates to specific contexts while recognizing the evolution of peace processes, and granting authorization for troop reinforcements and flexible deployments. Finally, the report recommended that the IAHCC–Inter-Agency Standing Committee Country Team (IAHCC-IASC CT) support the protection and coordination capacity of the government; better engage civil society groups; improve the protection network so as to provide better analysis and assist effective advocacy and operationalization; and expand the protection network's mandate so as to better coordinate with civilian elements of the UN mission. There were calls for joint planning mechanisms, but no guidance was offered on what structure or how plans should be formulated.

In general, the background documents and roundtable report describe an engaged group with a reasonably clear idea of the problems and issues both in Côte d'Ivoire and in implementing protection mandates. Their proposed solutions are noteworthy in a number of ways. Yet during its UNOCI visit in early 2009 (post-Ouagadougou environment notwithstanding), this study team found little recall of the roundtable by those in the mission, nor any real evidence of follow-up on the UNOCI-specific recommendations.

[52] The training and professionalism of deployed FPUs were not questioned by the roundtable.

The Ouagadougou Agreement and its implications

Frustrated by the interminably slow progress in implementing the Linas-Marcoussis Agreement, and in particular by the obstructionism of President Gbagbo and his allies, the Security Council passed resolution 1721 in November 2006, essentially ordering the various parties to take the concrete steps necessary to move the process forward.[53] President Gbagbo, however, delivered a speech welcoming the resolution but informing the world that he was not going to implement its provisions. Instead, he asserted that all the peace plans brokered by the international community had failed and that Ivorians were going to have to find their own solution. In February 2007, Gbagbo initiated direct talks with the FN, facilitated by President Blaise Campaoré of Burkina Faso (the FN's primary backer). With the help of President Thabo Mbeki of South Africa, Gbagbo renewed ties with Campaoré and put everything on the table, including making FN leader Guillaume Soro head of government, so long as his presidential powers were guaranteed up until the elections. On 4 March 2007, these talks culminated in the signing of the Ouagadougou Agreement, which addressed the full range of issues that had also figured in previous agreements. However, the International Crisis Group argued that:

> the agreement they signed is more a deal between two sides looking for an escape route that protects their own interests than a compromise which guarantees lasting peace. It does not break with the political practices that led to war in the first place.[54]

At its center, the agreement envisioned the merging of the national security forces and the FN through the establishment of an integrated command centre, replacement of the ZOC with a green line monitored by UNOCI observation points that would gradually be dismantled, deployment of mixed FN/national police units to maintain law and order in the former ZOC, dismantling of militias, granting of amnesty for all crimes relating to national security since September 2000, simplifying and accelerating the identification of the population and registration of voters, and organizing elections as previously envisioned in the Linas-Marcoussis Agreement. It also created two monitoring institutions, and

[53] S/RES/1721 of 1 November 2006.
[54] ICG (2007).

in a supplementary agreement signed on 26 March 2007, Soro was named prime minister. ECOWAS and the AU endorsed the agreements.

The Ougadougou Agreement altered the role of UNOCI and the international community, relegating them to supporting the implementation of plans drawn up by the Ivorian parties themselves, along with the continued involvement of President Campaoré of Burkina Faso. The report of a Technical Assessment Mission (TAM) carried out in March 2008 noted that responsibility for the disarmament of militias had passed from UNOCI to the Ivorian government, but that it had made little progress; in fact, at that time no plan had been developed. The militias were characterized as a persistent potential threat to the security situation, but not the only one. As relayed in the Secretary-General's April 2008 report, the TAM also warned of:

> [t]he possibility of civil unrest emanating from the population's frustration with the slow pace of progress in the peace process and the continuing exploitation by armed groups, in particular in the north, as well as possible ethnic and land tenure disputes in the west, where large numbers of internally displaced persons are already returning.[55]

While both the TAM and the subsequent Secretary-General's report considered these threats in political terms, presumably moves to prevent and address any incipient violence could have had the impact of protecting civilians. The Secretary-General's report, acting on the TAM's recommendations for the future of UNOCI, proposed that the mission focus on:

> (a) helping the Ivorian parties to surmount the challenges and minimize the risks identified in the present report; (b) supporting the parties and the Facilitator in their efforts to keep the peace process on track; (c) contributing to a secure environment for the elections; (d) contributing, through my Special Representative, towards enhancing the credibility of the electoral process; (e) providing logistical support for the elections; (f) assisting national institutions in carrying out all the key tasks that must be completed before the elections; and (g) devising an effective and targeted public information strategy to sensitize the Ivorian players about the role of UNOCI in the peace process.[56]

[55] *Sixteenth Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, S/2008/250 of 15 April 2008, para. 47.

[56] Ibid. (para. 49).

Since then, progress has been notable in some respects, and despite some significant stumbling blocks, the agreement is being implemented, albeit haltingly. However, elections originally scheduled for 2008 have been postponed until late 2009, in part over questions as to the validity of identification cards issued during the identification process. The militias in Abidjan and the west have not yet been dismantled and continue to abuse the population. Equally worrying, the Secretary-General's reports since 2007 have tracked an increase in inter-communal tensions in the west and north of the country, often leading to attacks on civilians, albeit in relatively small numbers. Finally, the decision to postpone the unification of the FN and the national armed forces until after the election creates the specter of renewed conflict if extremists take steps to sabotage the elections. Thus, despite apparent progress in the national political arena, indicators on the ground suggest the security situation remains fragile and susceptible to disruption if underlying dynamics remain unaddressed. While threats to civilians loom and violent incidents continue at a low level, available UNOCI documentation does not consider the issue of POC as such; at this writing in early 2009, it is unclear whether it addresses civilian security at all.

Conclusion

UNOCI's role in the protection of civilians has evolved since the adoption of Security Council resolution 1528 (2004), which established the mission entirely under Chapter VII authority. Initially mandated to support the implementation of the 2003 Linas-Marcoussis Agreement and to protect civilians under imminent threat of physical violence, the UNOCI planning process placed POC as a reasonably high priority within the mission. UNOCI personnel faced numerous crises between 2004 and 2007 highlighting ongoing threats—to civilians, the UN mission and the peace agreement—posed by militia, riots, criminality, and ethnically motivated and xenophobic violence.

While the protection of civilians was included as a task for UNOCI military personnel, available documentation never explicitly linked POC to the credibility and legitimacy of the mission nor did it appear to drive strategy. Since the signing of the Ouagadougou Peace Accord in 2007, UNOCI has become more of a supporting actor to the government and

has given POC a lower profile within the mission. Prior to the Research Team's field visit in early 2009, POC was not consistently and explicitly considered in UN documentation despite certain levels of violence and the prospect of future elections.

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CASE STUDY 3

United Nations Mission in Sudan (UNMIS)

Introduction

The United Nations Mission in Sudan (UNMIS) was authorized by the UN Security Council under resolution 1590 to support the implementation of the Comprehensive Peace Agreement (CPA) in 2005. The CPA formally ended the 22-year-long Sudanese civil war between the North and the South. With an authorized strength of 10,000 peacekeepers, the mission's focus on the protection of civilians (POC) as an issue has been a relatively low priority. The fragility of the CPA and the 2008 violence in Abyei, however, have drawn more attention to POC within the mission.

This case study describes how the Security Council (when issuing mandates), the Secretariat (when planning for the mission), and the mission itself (prior to the study team's visit) have approached POC the issue of the protection of civilians (POC) within the UNMIS context. By highlighting POC issues surrounding the planning process, deployment, and major crises, this case study serves as an example and reference to supplement the first five chapters of this study, particularly Chapter 4.[1]

This case study begins by providing a brief background to the conflict. The following section—on mission planning, mandate, and start-up—uses available documents to describe how the POC issue was addressed in planning documents and within the mission's initial mandate. It further details Security Council deliberations so as to highlight the intent and thinking behind the mandate. The next section considers how POC has been addressed by the mission since 2005, paying particular attention to the 2008 Abyei crisis.

[1] A note on source material: this chapter represents the best efforts of the current study to collect and analyse all relevant information for UNMIS. For a variety of reasons, however, this team's efforts did not yield comprehensive results. In some cases, certain key documents that the team knows exist were not made available. In others, the team may not have been made aware of the existence of relevant material. To a large extent, these problems reflect the issues with information tracking and sharing mechanisms within and between the Department of Peacekeeping Operations (UNDPKO) , the Office for the Coordination of Humanitarian Affairs (OCHA), and the mission itself. Although the authors believe this analysis to be accurate, they are aware of the possibility that key information to which they did not have access could lead to different conclusions than those reached here.

Background

Sudan has been wracked by civil conflict almost continuously since 1955. It gained independence from the United Kingdom in 1956, and by that time a secessionist insurgency had already begun in the largely animist and Christian South. Born of concerns about political and cultural domination and marginalization by the largely Muslim, Arab North, the highly factionalized rebels coalesced under the banner of the South Sudanese Liberation Movement in 1971. The next year, they signed a peace agreement with the newly installed military dictatorship of Jaafar Nimeiri. The agreement lasted until 1983, when the Government of Sudan (GoS) took a number of steps to undermine it, including an attempt to impose Shariah law on all of Sudan, including the South. A second civil war was triggered between the Sudanese People's Liberation Movement (SPLM) led by John Garang, and the GoS based in Khartoum. The fighting was characterized by widespread attacks on civilians by both sides, although the largest scale atrocities were attributed to the GoS, such as the massacres in the Nuba Mountains in 1992. Hostilities were not limited to the SPLM and the GoS: they also occurred between the SPLM and other groups in the South, such as the South Sudan Defence Forces (SSDF).

Beginning in 1993, Eritrea, Ethiopia, Uganda, and Kenya sought to broker a peace deal under the auspices of the Intergovernmental Authority on Development (IGAD). The IGAD process gained momentum and other international actors, including the United States and other Western nations, became involved in an effort that culminated in the signing on 9 January 2005 of the Naivasha Agreement, also known as the Comprehensive Peace Agreement. The CPA provided for substantial autonomy for the Government of Southern Sudan (GoSS), sharing of oil revenues, a nationwide census to be followed by national elections in 2008 (subsequently rescheduled for 2010), and a referendum on secession for the South in 2011. Since its signing, though, implementation has lagged on most fronts. International concerns about the potential for renewed conflict continue to mount.

In anticipation of a peace deal, and indicative of the level of international support for the CPA at the time of its signing in 2005, the UN deployed an Advance Mission in Sudan (UNAMIS) to participate in developing the agreement's final modalities and lay the groundwork for the eventual deployment of a UN peace operation. The senior leadership of UNAMIS—the Special Representative for the Sudan, two Deputy Special

Representatives, and the Military Adviser—went on to lead the follow-on mission, UNMIS.

Between 1983 and 2005, the conflict claimed an estimated two million lives and displaced another four million. Occasional skirmishes between the forces of the GoSS and the Sudanese People's Liberation Army (SPLA) on one side and the GoS forces on the other, recent bouts of inter-tribal fighting in the South, and intermittent attacks by the Lord's Resistance Army (LRA) along the border with the Democratic Republic of the Congo continue to take their toll on civilians.

Mission planning, mandate, and start-up

The planning process

Planning for the establishment of UNMIS began in June 2004 with the creation of UNAMIS by resolution 1547. UNAMIS was designed to build on the momentum developed in the IGAD-led peace talks between the GoS and the SPLM, and to lay the groundwork for a future peace operation. Jan Pronk was appointed Special Representative for Sudan, along with two Deputy Special Representatives, a Military Adviser, and a supporting multidisciplinary UN team. Pronk participated in the final stages of the peace talks in Naivasha, Kenya, to ensure compatibility between the outcome agreement, the CPA, and an expanded operation in Sudan. He also worked closely with the UN Country Team (UNCT) to develop a unified structure, with a focus on supporting the implementation of the CPA.

The CPA laid out a major monitoring and verification role for the international community, largely related to the redeployment of forces on both sides and the creation of Joint Integrated Units (composed of troops from both parties); it also called for assistance with security sector reform and elections as well as participation in a number of implementing bodies (such as the Ceasefire Political Commission). In addition, international assistance was envisioned as crucial for economic development, governance capacity development in the South, and the return of some 3.2 million refugees and IDPs to their homes.

As broadly described above, the emphasis at every point was on the deployment of a mission designed to facilitate political progress towards consolidation of the recently signed peace agreement through political support, monitoring and verification, humanitarian and development assistance, and governance capacity building.

The Secretary-General's report

The Secretary-General's report proposing the creation of UNMIS envisioned a mission designed primarily as an observer and verification force to assist implementation of the CPA. In line with this vision, the risks and challenges identified by the Secretary-General's report for a potential mission fell into four categories: remaining disagreements between the GoS and the SPLM; internal divisions within the GoS and SPLM, respectively; other armed groups, such as the LRA; and other conflicts in Sudan that could destabilize the CPA. These threats are described primarily in political terms, with associated political solutions. Threats to civilians were not closely examined beyond this discussion. To address the unresolved issues between the SPLM and the SSDF, for example, a South–South dialogue was recommended. As the Secretary-General's report puts it:

> There will be many internal spoiler elements throughout the Sudan that have an interest in undermining the peace accord and destabilizing the regime. [. . .] To avoid or minimize these risks, strong and concerted strategies at the national and international levels are required. The new Government must take the lead, with the help of the international community, in starting to restore confidence and reconciliation in an all-inclusive national process.[2]

The proposed mandate was organized into four sections: (1) good offices and political support for the peace process; (2) security aspects; (3) governance; and (4) humanitarian assistance and development. POC language appeared in two of those sections. Under the security aspects header, the proposed language read: 'To take action to protect civilians under imminent threat of physical violence within the capability of United Nations formed military units.'[3] Under the humanitarian assistance and development header, it proposed 'to enhance and support the protection of civilians in armed conflict in the Sudan, in accordance with resolutions 1265 (1999) and 1296 (2000).'[4] More ambiguously, under the same section it also expressed an intention 'to support the provision of assistance and protection in the Sudan for refugees from other countries.'[5]

POC was discussed as an aspect of the role played by certain components of the proposed mission. Although stating outright that UNMIS would 'deploy its military component to monitor and verify the Ceasefire

[2] *Report of the Secretary-General on the Sudan*, S/2005/57 of 31 January 2005, paras. 24 and 25.
[3] Ibid. (para. 28).
[4] Ibid.
[5] Ibid.

Agreement and to support the implementation of the Comprehensive Peace Agreement', the Secretary-General's report did list that one of the military's other tasks was 'to protect civilians under imminent threat of physical violence, within its capability'.[6] Yet while the report outlined how the military component would execute its observation and verification role, no elaboration was provided for the POC task. POC was not mentioned at all with regard to the civilian police component, whose listed tasks included capacity building, reform of the SPLA's police, and coordination of relevant bilateral and international initiatives. Nor was POC mentioned in the annex to the Secretary-General's report, which details the phased deployment of the military and police components.

In contrast, under the humanitarian assistance and development pillar, the issue was discussed at some length in terms of the POC Office. Falling under the purview of the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator (DSRSG/RC/HC), the role of the entirely civilian-staffed POC Office was described as primarily providing planning and coordination for 'a range of issues relevant to the provision of protection, including human rights, disarmament, demobilization, return and reintegration, the rule of law, small arms and mine action'.[7] Referencing Security Council resolution 1296 (2000) on the protection of civilians as the basis for its approach to the issue, it focused entirely on a strategy implemented by the UNCT, with no reference to coordinating with the military or police components.

Thus, at the outset POC had two distinct meanings in the context of UNMIS: physical protection by the military component as a deemphasized element of their activities and, far more prominently, the coordination of UNCT activities by the POC Office.

The mandate

Security Council meetings leading to the adoption of resolution 1590—and the establishment of UNMIS on 24 March 2005—were largely dominated by an intense international focus on the situation in Darfur. In a briefing to the Security Council on 11 January 2005, just two days after the historic signing of the CPA, UN Special Representative for Sudan Pronk expressed both a sense of achievement and apprehension. While hailing the CPA as a milestone, he warned that its implementation would be fraught

[6] Ibid. (para. 46f).
[7] Ibid. (para. 76).

with challenges and threatened by the ongoing conflict in Darfur.[8] Subsequent meetings would address the issue of human rights violations and POC, but only within the context of Darfur. The discussion cast UNMIS as a monitoring and observer mission to support the CPA, with no explicit mention of a POC role.[9]

The mission created by resolution 1590 (2005) broadly reflected the vision set out in the Secretary-General's report of January 2005. Acting under Chapter VI of the Charter, it instructed UNMIS first and foremost to 'support the implementation of the Comprehensive Peace Agreement by performing the following tasks', such as the responsibility to 'ensure an adequate human rights presence, capacity, and expertise within UNMIS to carry out human rights promotion, civilian protection, and monitoring activities' and to facilitate humanitarian assistance and the voluntary return of IDPs and refugees 'by helping to establish the necessary security conditions'.[10] Further, it directed the mission to:

> [c]ontribute towards international efforts to protect and promote human rights in Sudan, as well as coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups, including internally displaced persons, returning refugees, and women and children, within UNMIS's capabilities and in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations.[11]

However, the Council departed from the Secretary-General's recommendations in one important respect. While the Secretary-General proposed a mandate entirely under Chapter VI, the Council placed a key clause under Chapter VII:

> *Acting* under Chapter VII of the Charter of the United Nations, [the Council decides] that UNMIS is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel*, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence*.[12]

8 S/PV.5109 of 11 January 2005.
9 S/PV.5119 of 4 February 2005.
10 S/RES/1590 of 24 March 2005, paras. 4(a), 4(a)(ix) and 4(b).
11 Ibid. (para. 1(d)).
12 Ibid. (para. 16(1), emphasis added).

Taken together, these two passages are notable for replicating the bifurcated approach in the Secretary-General's report. On the one hand, the Council created a mission mandate under Chapter VI focused primarily on assisting the implementation of the CPA, with the protection of civilians conceived as a task for a dedicated civilian component whose focus would be on coordination of other civilian mission components and partners. On the other, it provided a clear mandate under Chapter VII for the mission to use force to protect itself, humanitarian workers, and civilians, without acknowledging the dilemmas and paradoxes such dualism would create for the mission.

Available documentation does not explain the divergence between the Secretary-General's report of 31 January 2005 recommending a Chapter VI mandate and the inclusion in resolution 1590 two months later of a POC clause under Chapter VII. On 24 March, the adoption of resolution 1590 proceeded without debate, establishing the UN Mission in Sudan. It is unclear whether this apparent discrepancy between the Secretary-General's report and the actual mission mandate was the product of private consultation by the Secretariat and the Council in tandem, or a genuine difference in the vision for the mission.[13]

Military concept of operations (CONOPS) and rules of engagement (ROE)

The study team was not provided with key documents from the start-up period of the mission, such as the military concept of operations (CONOPS) or the Force Commander's directive from 2005. However, the *Sudan Unified Mission Plan* dating from late 2005 (exact date uncertain) includes a reasonably detailed discussion of the military component's role and does so in the broader mission context. Of particular note is the following passage:

> In line with the original concept of operations and the wishes of the parties, as expressed in the CPA, the Mission will be a consent-based Chapter VI operation. As such, the Mission will rely on the full cooperation of the parties. The Chapter VII language in resolution 1590 applies to the right to take 'necessary action . . . within its capabilities' a) to protect the Mission's per-

[13] Immediately following the unanimous vote, in a statement made on behalf of the Secretary-General, Jean-Marie Guéhenno (Under-Secretary-General for Peacekeeping Operations) explained that '[a]lthough there are some areas where the resolution does not match [the Secretary-General's] recommendations, we in the Secretariat are prepared to fulfil our obligations'. It is unclear whether this recognition refers to the discrepancy regarding the POC clause under Chapter VII. See Security Council Meeting S/PV.5151 of 24 March 2005.

> sonnel and assets, a right which is inherent in all peacekeeping operations, and b) to protect civilians under 'imminent threat of physical violence' within its capability and without prejudice to the Government of Sudan.[14]

And while the protection of civilians under imminent threat is listed as one of seven primary tasks for the military component under the section describing the role of the Force Commander, the section on the military component itself states that the 'primary responsibility of the military component is to monitor the implementation of the Ceasefire Agreement which is part of the CPA' and makes no mention of a protection of civilians role.[15]

The same conception of the military component's role was reflected in the *Guidelines for Troop Contributing Countries Deploying Military Units to the United Nations Mission in Sudan* of May 2005. While duly reproducing the POC task as listed in the Secretary-General's report and the mandate, the *Guidelines* provided no further elaboration. The closest to further guidance provided is in the listing of tasks for infantry battalions and companies deploying to UNMIS, which includes a requirement to '[c]onduct mobile ground patrols to enhance security, encourage confidence with the local population and support a security framework within the sector'.[16]

No other mention or explanation of POC is provided either explicitly or implicitly, and the force requirements listed reflect the observer and verification role detailed above.

Whatever the assumed role of the military in the protection of civilians, the rules of engagement (ROE) are clear on the subject. As is typical of an ROE document, it restates the Security Council mandate, and then provides specific numbered rules for the mission. Rule No 1.9 reads:

> Use of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of physical violence, when competent local authorities are not in a position to render immediate assistance, is authorised. When and where possible, permission to use force should be sought from the immediate superior commander.[17]

[14] Sudan Unified Mission Plan, UNMIS, 2005, p. 8.

[15] Ibid (pp. 27, 36–39).

[16] *Guidelines for Troop Contributing Countries Deploying Military Units to the United Nations Mission in Sudan,* New York: DPKO Force Generation Service, May 2005, pp. 30–31.

[17] *Rules of Engagement (ROE) for the Military Component of the United Nations Mission in Sudan (UNMIS)*, 29 April 2005 (p. A-2).

Likewise, the detention of individuals or groups who threaten civilians is also authorized 'when local authorities are not in a position to render assistance'.[18] Equally, if not more importantly, the *Aide-Mémoire* ('Soldiers Card') included as Annex E of the ROE instructs UNMIS troops to:

> [u]se force only when absolutely necessary to achieve your immediate aim, to protect yourself, your soldiers, UN or other designated personnel, installations, equipment and civilians under imminent threat of physical violence.[19]

The message is reinforced on the following page:

> **You are allowed to use force (UP TO AND INCLUDING DEADLY FORCE):**
>
> [. . .]
>
> To protect civilians under imminent threat of physical violence, when competent local authorities are not in a position to render immediate assistance.[20]

The *Aide-Mémoire* is distributed directly to troops and is typically the basis of their training in the ROE, suggesting that UNMIS troops have been explicitly informed of their authorization to use force to protect civilians.

Police component and POC

In his report issued 31 January 2005, the Secretary-General envisioned an UNMIS civilian police component focused on supporting, training, monitoring, and advising law enforcement officials in the North and South of Sudan. At this early stage in the planning process, it was made clear that UNMIS police would not play a role in the physical protection of civilians. The Secretary-General's report explained that:

> Security aspects would be addressed by a military component. Governance would be addressed by the civilian police, rule of law, human rights, civil affairs, electoral assistance and gender components.[21]

The Secretary-General went on to recommend that 755 international police officers be deployed by the mission while omitting any role for Formed Police Units.

[18] Ibid (p. A-5).
[19] Ibid. (p. E-1).
[20] Ibid. (p. E-2).
[21] *Report of the Secretary-General on the Sudan*, S/2005/57 of 31 January 2005, para. 38.

As stipulated by resolution 1590 (2005) and as explained by mission personnel, police CONOPS, and the *Mandate Implementation Plan,* the UNMIS civilian police component is authorized under a non-executive mandate:

> [t]o assist the parties to the Comprehensive Peace Agreement, in coordination with bilateral and multilateral assistance programmes, in restructuring the police service in Sudan, consistent with democratic policing, to develop a police training and evaluation programme, and to otherwise assist in the training of civilian police.[22]

Pursuant to the Secretary-General's report and resolution 1590, various UNMIS planning documents—including the *Civilian Police Concept Note* (2006), the *Mandate Implementation Plan* (2006), the *Police CONOPS* (2006), and the *Mission Unified Plan* (2005)—exclude any mention of a police role in protecting civilians under imminent threat, instead focusing on advising, training, mentoring, and monitoring Sudanese law enforcement officials. The documents do suggest that UNMIS police are to play a role in sensitizing Sudanese officials to the vulnerabilities of women and children, as well as in building relationships with the local population through community policing approaches.

The mission's evolving approach to POC

As described above, UNMIS was conceived primarily as an observer and verification mission for the CPA. In recognition of the enormous area of operations that the mission would have to cover, the Council authorized UNMIS in March 2005 with up to 10,000 military personnel.[23] By mid-December 2005, the strength of the military contingent stood at only 4,291 personnel, about 40% of an expected total of 9,880.[24] The deployed personnel included 154 staff officers, 468 military observers, and 3,669 troops. It was not until September 2006 that the mission's military component reached nearly full strength.[25] Reflecting the lack of planning for a POC role for the military component, the assets and force structure deployed were oriented towards protecting military observers and facilitating CPA

[22] S/RES/1590 of 24 March 2005, para. 4(a)(vii).
[23] Ibid.
[24] *Report of the Secretary-General on the Sudan*, S/2005/821 of 21 December 2005, para. 26.
[25] *Report of the Secretary-General on the Sudan*, S/2006/728 of 12 September 2006, para. 25.

implementation, based largely on static positions and close liaison with the parties to the conflict.

Almost every Secretary-General's report to the Security Council on UNMIS since the mission's creation has included a section entitled 'Protection of Civilians'. This inclusion reflects the existence within the mission of a POC Office, unique among all UN peacekeeping missions. As explained on the dedicated website it maintains—notably distinct from the UNMIS mission website—the POC Office sees its role as:

> [w]orking with all protection actors such as UN actors that have protection mandates, including UNHCR, UNICEF, and UNMIS Human Rights, as well as INGOs, ICRC and Community Based Organizations. POC works closely with humanitarian actors to identify and address protection concerns that impact people in Sudan. We work together with these humanitarian actors to develop a coordinated work plan for Sudan that outlines protection priorities, actions/programs and those responsible for them. We raise protection concerns with government counterparts, community leaders and to our own UNMIS DSRSG/HC/RC.[26]

Until April 2008, the sections of the Secretary-General's reports corresponding to the POC Office provided brief discussions of various threats facing civilians in particular areas of Sudan, and the monitoring, reporting, and planning actions undertaken by the office. It did not mention any coordination or cooperation with the military or police elements of the mission in carrying out those activities, and, as demonstrated below, a role for the military component in POC is only discussed in the 22 April 2008 Secretary-General's report.

In late 2006, the mission encountered some of its first physical protection challenges. In response to a number of attacks by the LRA in early 2006, the Council renewed UNMIS with resolution 1663 and condemned the activities of groups that 'continue to attack civilians and commit human rights abuses in the Sudan; and [urged] in this regard UNMIS to make full use of its current mandate and capabilities'.[27] In the preceding Council deliberations, Special Representative of the Secretary-General (SRSG) Pronk discussed a role for UNMIS to prevent future LRA attacks.[28] The

[26] *The Role of UNMIS Protection*, UNPOC (United Nations Mission in Sudan, Protection of Civilians Section), n.d.

[27] S/RES/1663 of 24 March 2006, para. 7.

[28] SRSG Jan Pronk elaborated on this issue during a Security Council deliberation days prior to the adoption of resolution 1663 (2006): 'We must strengthen our capacity to protect and defend and to confront LRA support mechanisms within and outside of Sudan.' That was the only elaboration during UNSC deliberations prior to adopting resolution 1663. See S/PV.5392 of 21 March 2006.

Council adopted resolution 1663 without an open debate, and without further elaboration of the meaning of '[making] full use of its mandate and capabilities'. The resolution included language referring to the LRA, an initiative of the United Kingdom, although some Council members were concerned by the financial implications of an additional enforcement mandate.[29]

In response, the Secretary-General reported to the Council in June 2006, framing UNMIS as *unable* to offer much protection from the LRA or similar attacks. Somewhat defensively, he argued that UNMIS was under the 'usual' Chapter VI force configuration, and, having been established to support a peace agreement, did not have an 'offensive' capability. He emphasized that UNMIS was designed only to support the CPA and that the parties to the agreement had 'full responsibility for dealing with foreign armed groups'. Rather than address the protection of civilians, the report argued against 'any robust operation' by UNMIS, which would require consent of the CPA parties, an 'expanded mandate', and an 'enhanced configuration of forces and more robust assets, specialized equipment and real-time intelligence'.[30]

What is striking is that the report cast the protection of civilians by UNMIS as requiring offensive capacity against the LRA, with the only alternative strategy portrayed as its extant efforts to support the CPA. Given its numbers of military personnel, the report argued that:

> the 700 UNMIS soldiers spread thinly in 10 locations throughout Equatoria—an area the size of Austria—are essentially deployed to provide protection to United Nations installations and personnel and military escort to United Nations military observers and logistics, mine clearance, contingent-owned equipment and humanitarian convoys.[31]

In short, the mission saw instructions to protect civilians against LRA attacks as beyond its capabilities, especially given its force size, configuration, and other responsibilities. The Council had not provided specific guidance as to what actions UNMIS should take, and the Secretariat also appeared unwilling to contemplate a role for UNMIS beyond its relatively traditional monitoring and verification responsibilities.

This reveals a degree of tension between the Council's perception of the UNMIS mandate on the one hand, and that of the Secretariat and possibly the mission on the other.

[29] Security Council Report (2006).

[30] *Report of the Secretary-General Pursuant to Resolutions 1653 (2006) and 1663 (2006),* S/2006/478 of 29 June 2006.

[31] Ibid. (para. 19).

The same challenge about the UNMIS role in POC emerged again in the *Report of the Technical Assessment Mission [TAM] to Sudan, 10–21 February 2008*. Undertaken following an internal, wide-ranging strategic review of UNMIS, the TAM reported frankly on the ongoing—indeed, growing—threats from tribal and local conflicts, including between the SPLM and the GoS, between the SPLM and Arab nomads in the Abyei area, and between the Dinka and Murle in Jonglei, pointing out that elections then scheduled for 2009 could further inflame tensions.[32] Noting that, in general, UNMIS was only successful in implementing its mandate when it had the consent of the Government of National Unity,[33] the report highlighted the ambiguity surrounding the mission's Chapter VII mandate to protect civilians:

> UNMIS' mandate includes Chapter VII authority to take necessary action, in areas of deployment and within capabilities, to protect UN personnel, ensure the security of humanitarian workers and, *without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence*. However, the interpretation of this authority in practice is unclear.
>
> Given the incidence of deadly local and tribal conflict, and widespread protection challenges including those arising from abuses by armed forces, it is important to clarify the role of the UNMIS military component and others in protecting civilians. UNMIS is configured as a Chapter VI monitoring and verification Mission with force protection. It does not have the resources or realistic capability to pro-actively [. . .] intervene in tribal conflict. However there is scope to clarify, within the framework of an overall UNMIS strategy, exactly what constitutes imminent threat and how the military should be instructed to respond.[34]

The TAM report went on to recommend that by 1 July 2008 the mission develop an integrated strategy for fulfilling its mandate to protect civilians under imminent threat that is linked to a broader conflict management approach.[35] This study was unable to find evidence that such an integrated strategy was ever developed.

Concern was also reflected in reports from senior mission leadership. One UNMIS Force Commander stated unequivocally: 'Any protection to

[32] *Report of the Technical Assessment Mission to Sudan,* 10–21 February 2008, pp. 1–3.

[33] The Government of National Unity was created under the CPA and is composed of representatives of the National Congress Party of President Omar al-Bashir and representatives of the SPLM, which is headed by President of the Government of Southern Sudan/First Vice-President of Sudan Salva Kiir.

[34] *Report of the Technical Assessment Mission to Sudan,* 10–21 February 2008, p. 13.

[35] Ibid. (p. 14).

civilians which the UNMIS Military would provide would be incidental [. . .]. The UNMIS Military force level is inadequate to ensure assured protection to civilians in the entire CFZ [Ceasefire Zone].'[36] He recommended that the primary responsibility for protection remain with the GoS, but echoed the TAM report in calling for an integrated mission-level strategy to fulfill its protection mandate.

The 'Protection of Civilians' section of the Secretary-General's April 2008 report echoed the TAM's findings and the assertions of the Force Commander, marking the first time this recurring section in Secretary-General's reports on UNMIS considered a role for the military component in protecting civilians. Quoting directly from the TAM report, the Secretary-General's report explained that:

> Challenges have arisen in the practical interpretation of the UNMIS mandate on the protection of civilians. Given the incidence of violent local conflict and widespread protection challenges, including those arising from abuses by armed forces, it is important to clarify the role of the UNMIS military component and other actors in protecting civilians on the basis of the existing mandate and available resources. I have directed UNMIS to develop an integrated strategy for fulfilling its mandate with regard to the protection of civilians under imminent threat, which will be linked to the approach on conflict management, coordinated with the country team and discussed with the parties.
>
> In that regard it will be important for all actors to understand the scope and limitations of the military component, which is primarily configured for monitoring activities, and to maximize complementarity between the UNMIS human rights and protection of civilians units. As the Sudan moves towards recovery and development, UNMIS capacity for the protection of civilians at the state level should be gradually shifted towards a longer-term human rights focus, based on a set of clear benchmarks that would signal the gradual phase-out of the protection of civilians unit and the strengthening of the UNMIS human rights presence as a part of a broader programme of governance and rule of law support.[37]

In May 2008, a new military-strategic CONOPS was issued. Unfortunately, it failed to address the issues raised by the Council, the TAM, the Force Commander, and the Secretary-General. The CONOPS reflected earlier mission documents with pro-forma restatements of the mandate language on the protection of civilians, but without any further guidance

[36] *End-of-Assignment Report*, 6 April 2008, UNMIS (United Nations Mission in Sudan), p. 16.
[37] *Report of the Secretary-General on the Sudan*, S/2008/267 of 22 April 2008, paras. 48–49.

or discussion of the issue. Moreover, it reinforced the military's previous role, stating that the UNMIS military component would support the implementation of the CPA and help the parties towards 'a peaceful referendum and the implementation of its result'.[38] Under the heading of 'Execution', the CONOPS stated that:

> The military-strategic intent is to assist the parties in CPA implementation by effectively monitoring and verifying ceasefire and security arrangements, and by contributing to maintaining a stable and secure environment.[39]

While the CONOPS listed the 'protection of civilians under imminent threat within mission capabilities and areas of deployment' as a task and described tribal and local conflicts, including those related to refugee and IDP returns in an attached *Threat Assessment,* the document neither integrated protection into the concept nor into the phases it described for the mission's military component.

Crisis in Abyei. Just as the May 2008 CONOPS was being issued, UNMIS faced a major test of its capacity and willingness to implement its Chapter VII POC mandate. Major fighting between SPLM and GoS forces broke out from 13 to 20 May 2008 in Abyei, an area where the boundary of the Abyei region and the border between North and South Sudan is disputed and yet to be determined per the CPA. The entire population of 30,000 civilians was forced to flee, and the town was razed to the ground. As the GoS forces drove the SPLM out of the town, irregular forces (Miseriya Arab militias and the South Sudan Unity Movement—a faction of Southern Sudanese aligned with the Northern government) looted and burned civilian homes, including a village within 45 metres of the UNMIS compound.

Two reports were issued on the incident, one by the mission itself, and the other by a fact-finding mission led by Maj.-Gen. (ret.) Patrick Cammaert. They broadly concluded that the UNMIS contingent of Zambian troops in Abyei did all they could with limited troops in the face of intense fighting, including taking in and eventually evacuating more than 100 civilians who sought shelter at their compound. Moreover, after the civilian population had fled, the mission argued that it lacked a mandate to use force to protect civilian property, as opposed to civilians.

[38] *Military–Strategic Concept of Operations for the United Nations Mission in Sudan (UNMIS),* DPKO/OMA/MPS/2008/5853, New York, May 2008.

[39] Ibid. (p. 6).

The episode gained higher profile when US Special Envoy to Sudan Richard Williamson criticized UNMIS for failing to take more robust action to protect civilians in Abyei. SRSG Ashraf Qazi responded sharply, arguing that the mission 'has neither the capacity nor the mandate to militarily intervene or to provide law enforcement functions' and suggesting that Williamson's views did not reflect the US position.[40] The US Mission to the UN backed Williamson, however, as did UK Ambassador to the UN John Sawers, who said, 'We came away believing that UNMIS needed to do more to support the Comprehensive Peace Agreement.'[41]

The Abyei crisis and subsequent recriminations reinforce the conclusion that there is a major difference in understanding of the UNMIS POC mandate and role between the Security Council on the one hand, and the Secretariat and UNMIS on the other.

Less than two weeks before the severe fighting broke out in Abyei, available Security Council deliberations ahead of resolution 1812 (2008) made little mention of escalating tensions there. However, the resolution itself notably calls upon the parties to abide by the agreements in place to reduce tensions over the town, and 'urges UNMIS to consult with the parties, and to deploy, as appropriate, personnel to the Abyei region, including areas of Kordofan'.[42] Thirteen days later, severe fighting would lead to the displacement of 30,000 civilians.

Following the clashes in Abyei in May, the President of the Security Council issued a statement on 24 June 2008, calling on UNMIS:

> within its mandate and in accordance with Security Council resolution 1812, to robustly deploy, as appropriate, peacekeeping personnel in and around Abyei to help reduce tensions and prevent escalation of conflict in support of implementation of the CPA.[43]

Similarly, during Council deliberations that same day, the UK suggested a more active role for UNMIS forces in preventing escalating incidents such as that of Abyei.[44] The Security Council further requested a follow-up Secretary-General's report regarding the role played by UNMIS in Abyei in May.

[40] Reuters (2008).
[41] Ibid.
[42] S/RES/1812 of 30 April 2008.
[43] S/PRST/2008/24 of 24 June 2008.
[44] S/PV.5922 of 24 June 2008.

The Secretary-General responded to the Council's inquiry the following month, in his report of 23 July 2008. In it, he repeated the arguments the mission itself put forward, stating that:

> In the aftermath of the fighting in Abyei, UNMIS carried out a preliminary assessment of the situation and of its response. UNMIS noted that while it has a mandate to protect civilians under imminent threat, within its capabilities, the responsibility for respecting the ceasefire lies squarely with the parties themselves. The Mission worked through the ceasefire structures to de-escalate tensions. While the majority of the civilian population had fled the town and surrounding areas before the worst of the fighting began, UNMIS sheltered and escorted to safety more than 100 civilians who had taken refuge in the UNMIS compound and also safely relocated United Nations civilian staff and humanitarian workers. The United Nations coordinated the provision of emergency assistance to those displaced by the fighting. A number of lessons learned were identified that will inform the Mission's future crisis response and force posture. A review of force levels in Abyei will form part of the forthcoming UNMIS military capabilities study.[45]

More productively, the report noted that the mission was moving to enact one of the TAM's February 2008 recommendations on information gathering. Specifically, UNMIS was developing a database to identify 'traditional, local, and regional response mechanisms for conflict management'.[46] Although not framed in terms of POC, such resources have clear application to better understanding the dynamics of conflicts that, in the context of Sudan, have consistently involved attacks on civilians.

Resolution 1870 was adopted on 30 April 2009. It extends the mandate of UNMIS while focusing on several POC-relevant issues—such as addressing the presence of the LRA as per resolution 1663 (2006) and encouraging the development of a comprehensive strategy on POC. Deliberations immediately following the adoption of resolution 1870 acknowledged the protection of civilians as an important issue; however, much of the meeting focused on support to the CPA and concern regarding the expulsion of 13 international humanitarian and development agencies and three national NGOs from North Sudan by the Sudanese government in March, following the International Criminal Court's issuance of an arrest warrant for Sudanese President Omar al-Bashir.[47] In response, the US representative explained that:

[45] *Report of the Secretary-General on the Sudan*, S/2008/485 of 23 July 2008, para. 28.
[46] Ibid. (para. 42).
[47] S/PV.6116 of 30 April 2009.

> [t]he Government of Sudan bears primary responsibility for its people, and therefore we urge Sudan to take immediate steps to restore effective assistance to Sudan's most vulnerable civilians. We fully support UNMIS as it continues its work by helping to implement the Comprehensive Peace Agreement, to protect vulnerable civilians and to assist the people of Sudan to achieve a lasting peace.[48]

Thus Council expectations remain vague, leaving the mission and UN headquarters to develop strategies and proposals to inform the guidance, enhance political backing, and boost resources to permit UNMIS to fulfill its POC mandate. See Chapter 4 for a description of more recent steps undertaken by UNMIS to protect civilians.

Conclusion

Since the study team's visit in late 2008, escalating violence in various parts of Southern Sudan have increasingly become a cause for concern for UNMIS and the international community at large. As the country heads toward the April 2010 national elections, as well as the 2011 referenda in Southern Sudan and the Abyei region, increased violence against civilians will continue to threaten a peace between the North and South. Frequent attacks by the LRA in Western and Central Equatoria have claimed numerous civilian lives,[49] while clashes and killings in Jonglei had contributed to at least 2,000 civilian deaths in the first ten months of 2009 in Southern Sudan.[50]

UNMIS's ability to address POC is somewhat dependent on the mission's capacity and historical approach to the issue. As demonstrated above, UNMIS was originally conceived of by the Secretariat as a Chapter VI observer and verification mission, to act in support of the 2005 Comprehensive Peace Agreement. In line with the Secretariat's vision for the mission, resolution 1590 (2005) provided a mandate for UNMIS focused on the implementation of the CPA.

However, the Council's decision to include a section under Chapter VII mandating the mission to protect civilians under imminent threat raises a number important possible issues, given that its inclusion did not

[48] Ibid.

[49] *UN Raises New Concerns about Increasing LRA Attacks in Southern Sudan*, UNMIS, 11 September 2009.

[50] BBC (2009).

lead to changes in the mission concept, structure, or resources. It is possible that the Council made clear to the Secretariat that its inclusion of the 'protection of civilians' language in the mandate was not intended to alter the mission concept, drive specific activities, or introduce additional capacity requirements. If that was the case, it would beg the question, 'What was the Council's intent when including this language?' Alternatively, during the planning process that followed the resolution, the Secretariat may have perceived the 'protection of civilians' clause as having few if any planning or operational implications for the nascent mission. This position seems unlikely given its knowledge of the complex and challenging environment into which the mission would deploy, and the long record of attacks on civilians in the conflicts in Sudan. Other explanations may exist, and the study team was not able to determine how the apparent mismatch between the mandate and mission planning, structure, resources, and concept came about.

The Secretary-General's treatment of the protection issue prior to 2008, as described in the POC sections of his reports to the Security Council, largely made reference to general threats to civilian security as well as the concerns and activities of the POC office. There was no mention of any coordination of protection activities with military or police components; in fact, the military's role in protection was absent from the recurring sections of the reports until April 2008. However, the warnings from the Force Commander and the TAM Report, and the Secretary-General's instructions to develop a strategy were clear. While the mission was clearly overtaken by the events at Abyei, it is notable that the study was unable to find any evidence of Secretariat or mission initiatives to address these issues prior to its visit in November 2008.

The May 2008 protection crisis in Abyei drew attention to the UNMIS military component's role as a protection actor. It appears as though the protection of civilians has since been elevated as a priority within some components of the mission, reinforced by Security Council resolution 1870 (2009), and its emphasis on the issue.[51]

Given the challenges outlined above, UNMIS's ability to provide protection will continue to be shaped in large part by its capacity and configuration as well as the mission's leadership and understanding of its role. With the approach of political benchmarks that could spur increased con-

51 See S/RES/1870 of 30 April 2009, paras. 3, 14 and 15.

flict and violence against civilians, UNMIS will be forced to balance its limited capabilities, its role as an impartial actor, the consent and cooperation of the parties to the CPA, the expectations of the Security Council and other international observers, and the imperative to protect civilians.

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CASE STUDY 4

African Union/United Nations Hybrid Operation in Darfur (UNAMID)

Introduction

The conflict that has consumed the Darfur region in western Sudan since 2003 has claimed the lives of hundreds of thousands of civilians and caused the displacement of millions. International outcry and accusations of genocide have consistently highlighted the suffering of the Darfur population, raising the profile of the 'humanitarian crisis'. Following a doomed peace agreement in 2006, the African Union/United Nations Hybrid Operation in Darfur (UNAMID) was authorized as one of the largest peacekeeping missions to date (19,555 troops), with a mandate expressly stating the protection of civilians (POC) as a top priority. A myriad of challenges—including delayed deployment, a high-risk security environment, and ongoing conflict—continue to limit the ability of UNAMID to carry out its mandate.

This case study describes how the Security Council (when issuing mandates), the Secretariat (when planning for the mission), and the mission itself (prior to the study team's visit in November 2008) have approached the POC issue within the UNAMID context. By highlighting POC issues surrounding the planning process, deployment, and major crises, this case study serves as an example and reference to supplement the first five chapters of this study, particularly Chapter 4.[1]

This case study begins by providing a brief background to the conflict. In the following section, it details aspects of the original and revised UNAMID mandates while also examining the surrounding Security

[1] A note on source material: this case study represents the research team's best efforts to collect and analyse all relevant information on UNAMID. For a variety of reasons, however, these efforts did not yield comprehensive results. In some cases, certain key documents that the team knows exist were not made available. In others, the team may not have been made aware of the existence of relevant material. To a large extent, these problems reflect the issues with information tracking and sharing mechanisms within and between the Department of Peacekeeping Operations (UNDPKO), the Office for the Coordination of Humanitarian Affairs (OCHA), and the mission itself. Although the authors believe this analysis to be accurate, they are aware of the possibility that key information to which they did not have access could lead to different conclusions than those reached here.

Council deliberations so as to highlight the intent and thinking behind the mandates. The next section—on mission planning and start-up—uses available documents to describe how the POC issue was addressed in planning documents. The final section considers the mission's evolving approach to POC, looking at mission deployment and the implementation of the POC mandate while paying particular attention to the crises in Muhajiriya. The appendix includes excerpts from UNAMID's original mission mandate.

Background

The current conflict in Darfur has its roots in three factors: competition between nomads and farmers for increasingly scarce resources, intensified by accelerating desertification; the political manipulation of identities by various Sudanese and regional actors; and a pattern of political and economic marginalization stretching back to the colonial era. At its inception, the conflict pitted largely nomadic tribes categorized as 'Arab' against mostly sedentary farming tribes categorized as 'African.'[2] As the conflict has evolved, it has become more anarchic, and fighting is now common among nominally 'Arab' tribes, and among rebel factions associated with 'African' tribes.[3]

The most recent episode of violent conflict in Darfur is typically dated to a joint attack by two rebel groups—the Sudanese Liberation Army (SLA) and the Justice and Equality Movement (JEM)—on a Sudanese government airbase in El Fasher, the capital of North Darfur, in April 2003.[4] Although violence had been mounting in the region since at least 2002, the successful attack marked a major escalation. The incident alarmed the government, which responded by mobilizing irregular militias often referred to as *Janjaweed* to fight alongside the Sudanese Armed Forces (SAF) and embarked on a scorched earth campaign to eliminate the rebels, in part by attacking the communities in which they were based.[5] By mid-2004, there were more than one million internally displaced persons (IDPs) within Darfur and nearly 200,000 refugees had fled across the border into Chad.

[2] *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General,* 25 January 2005, pp. 17–25.

[3] *Darfur's New Security Reality*, Africa Report No 134, ICG (International Crisis Group), 26 November 2007.

[4] *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*. 25 January 2005, pp. 17–25).

[5] Ibid (pp. 17–25).

The conflict was characterized by indiscriminate attacks against civilians[6] and rapidly attracted intense global attention, spawning a large international advocacy movement.

The African Union (AU) brokered a ceasefire in April 2004 and deployed a small observer force—the African Union Mission in Sudan (AMIS)—to monitor compliance. The ceasefire had little effect, and as the security situation deteriorated, the AMIS 'protection force' grew to roughly 5,000 by 2006. In May of that year, the Darfur Peace Agreement (DPA) was signed between the Government of Sudan (GoS) and one of the main rebel groups under heavy international pressure. However, other rebel groups and most of the IDP population rejected the DPA.[7] The fighting in Darfur intensified in the period following the signing of the agreement, and within months it was regarded as defunct by many local and international observers.[8]

Also in May 2006, the AU Peace and Security Council requested that the United Nations and the GoS begin planning for a transition from the AU mission to a UN peacekeeping operation.[9] It was in this context, in 2006, that the UN Department of Peacekeeping Operations began planning for the expansion of the UN Mission in Sudan (UNMIS)—deployed to the south of the country in support of the 2005 North–South peace agreement—into Darfur, despite vocal GoS opposition to the idea from the outset.

Mandate

Mission mandate

The protection of civilians was identified as one of two strategic objectives in the Secretary-General's Planning Directive of March 2006.[10] It was a central theme throughout the planning process and in the June 2007 *Report of the Secretary-General and the Chairperson of the African Union Commission,* which considered the deteriorating security situation in some detail:

- after a three-month lull, attacks by the SAF against villages had resumed;
- there was increased fighting between DPA signatories and non-signatories;

[6] Ibid (pp. 17–25).
[7] *Report of the Secretary-General on Darfur*, S/2006/591 of 28 July 2006.
[8] *Darfur and the Battle for Khartoum*, Situation Report, ISS (Institute for Security Studies), Pretoria: ISS, 4 September 2008.
[9] *Report of the Secretary-General on Darfur*, S/2006/591 of 28 July 2006.
[10] *Darfur: Draft Framework Plan for a Possible Transition to a United Nations Operation*, 2 June 2006.

- there was an increase in inter- and intra-tribal fighting (among Arab tribes) and inter-faction fighting (amongst rebel groups);
- banditry was on the rise;
- instability was increasing in border areas; and
- there was increased insecurity and militarization of some IDP camps, resulting in a reduction in humanitarian access.[11]

In short, a mixture of systematically targeted violence against civilians and collateral damage as a result of hostilities between belligerents led to the displacement of an additional 300,000 people and an unknown number of deaths in 2007.[12] The violence fell into four basic categories:

- attacks on civilians in villages or rural areas;
- attacks on civilians in IDP camps (both sporadic predation and outright attacks);
- attacks on humanitarian convoys, AMIS resupply convoys, and civilians along key transit routes; and
- attacks on AMIS bases and patrols.

Rather than being limited to specific areas or IDP camps, the threat to civilians, humanitarian actors, and peacekeepers was reportedly distributed across large swathes of rural land dotted with villages, and along key roads.

Despite the strong emphasis on POC throughout the majority of the June 2007 *Report of the Secretary-General and the Chairperson of the African Union Commission*, the authors seem to prioritize a political settlement in the concluding paragraphs. At the outset, the report cited the 2006 Addis Ababa high-level meeting as concluding that civilian security was a prerequisite for political progress. However, in its concluding paragraphs, it seems to invert the linkage between protection and peace, stating that:

> A peacekeeping operation cannot assist in restoring security in Darfur in the absence of an inclusive political process. At the same time, a political solution will be unsustainable if the parties do not have confidence that a

[11] *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*. S/2007/307/Rev.1 of 5 June 2007, paras. 21–28.

[12] *Darfur Humanitarian Profile*, No. 30. Khartoum: DSRSG/RC/HC, 1 January 2008.

> strong, impartial, proactive peacekeeping force is being deployed to support and monitor its implementation. While the conflict in Darfur has devastating security implications and humanitarian consequences, it is essentially a political problem, which can only be resolved through a political solution.[13]

As described in Chapter 1 of this report, the security of civilians and the political dynamics of civil conflict are inextricably linked. While building long-term security for civilians requires the effective implementation of political agreements, the sustainability of peace deals in the short- to medium-term often depends on ensuring the security of civilians. This implies that the security of civilians is interdependent with, rather than primarily the *result* of peace agreements. The June 2007 report insinuates that the two are sequential, but the authors are indecisive about the order. It is unclear how the lack of clarity in this report may have impacted planning or the mission leadership's interpretation of how to prioritize and implement protection.

Although it displayed some ambiguity regarding the relationship between the civilian security and political progress, overall the June 2007 *Report of the Secretary-General and the Chairperson of the African Union Commission* placed a strong emphasis on POC, which was reflected in full in the mandate provided for the creation of UNAMID in Security Council resolution 1769 (2007).[14]

Having determined that the situation in Darfur constitutes a threat to international peace and security, the first operative paragraph of resolution 1769 '*decides* that the mandate of UNAMID shall be as set out in paragraphs 54 and 55 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007'. Based on those paragraphs, this portion of the mandate includes facilitating humanitarian access, contributing to the protection of civilians,[15] enhancing security for development and the return of IDPs and refugees, and addressing the special vulnerabilities of women and children (see the appendix for complete language). It is not until operative paragraph 15 that the Council invoked its authority under Chapter VII of the UN Charter:

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[13] *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007, paras. 21–28.

[14] S/RES/1769 of 31 July 2007.

[15] Language in the cited report includes: 'To contribute to the protection of civilian populations under imminent threat of physical violence and *prevent attacks against civilians*, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan' (Ibid. (para. 54b), emphasis added).

Acting under Chapter VII of the Charter of the United Nations:

(a) *decides* that UNAMID is authorised to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to:

(i) protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers,

(ii) support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan.[16]

Council deliberations

Council deliberations surrounding the adoption of resolution 1706 (2006), which authorized the expansion of UNMIS into Darfur with a partial Chapter VII mandate, reflected two strong sentiments: a) the international community's sense of responsibility to protect civilians; and b) the Government of Sudan's resistance to a peacekeeping mandate that would eventually lead to the abandonment of Resolution 1706. On 31 August 2006, the day resolution 1706 was adopted, many member states, including Argentina, Denmark, Ghana, Greece, Slovakia, Tanzania, the United Kingdom, and the United States, expressed a strong understanding of and commitment to the international community's responsibility to protect civilians. This general sentiment of responsibility was understood as the reason for the rapid adoption of resolution 1706. However, China, Qatar, and the Russian Federation chose to abstain from the vote citing the hurried adoption of the resolution and the need for consent from the Government of National Unity of Sudan.[17] Eleven days later, in a presentation before the Security Council, Sudan discredited the way in which resolution 1706 had been formulated and adopted, calling it a 'resolution based on flawed speculation'.[18] The issue of consent stalled and tortured the process of implementing resolution 1706, leading to the proposal of a hybrid AU–UN mission.

Following consultations among Sudan, the UN, and the AU in Addis Ababa on 12–13 June 2007, Sudan agreed to a hybrid mission without conditions, though stating publicly the need for the proposed mission to retain

[16] Ibid. (para. 15).
[17] S/PV.5519 of 31 August 2006.
[18] S/PV.5520 of 11 September 2006.

a mostly African character. Draft resolutions began to circulate in July, leading to divisions within the Council as China, Qatar, the Russian Federation, South Africa, and others raised several concerns regarding proposals for further measures and sanctions against the GoS, the potential mandate for the Panel of Experts, the authorization to use 'all necessary means' under Chapter VII, and the authorization to collect and seize arms. The Security Council Report, an NGO that analyses the Council's actions, reported: 'The sponsors seem to have been ready to accommodate concerns about sanctions and tone of the draft in return for maintaining the language on mandate command and control and Chapter VII.'[19] It is of note to recognize the change from previous drafts authorizing 'seizure and disposal' of arms to less robust language of monitoring arms that are present in Darfur in violation of peace agreements and of resolution 1556.

Council deliberations on 31 July 2007 began with the unanimous adoption of resolution 1769, followed by remarks from Council members regarding the significance and objectives of the resolution. General sentiment applauded the establishment of UNAMID for the purposes of: a) protecting civilians and b) supporting the implementation of the Darfur Peace Agreement. It was made clear by most representatives that the conflict's impact on civilians in Darfur and their dire situation were the driving factors in the adoption of this resolution. The United States emphasized the robust nature of the mandate:

> In adopting this resolution, the Council is entrusting UNAMID, its force commander and its personnel with carrying out its mandate using the full range of its authorities. UNAMID has the authority under Chapter VII to use force to prevent armed attacks, to protect civilians and to prevent any disruption of the implementation of the Darfur Peace Agreement.[20]

This statement reflected the United States' scepticism for GoS cooperation in the implementation of resolution 1769 (2007).

Resolution 1828, adopted on 31 July 2008, extended the mandate of UNAMID for one year. Statements by Council members reflected continued support for the peace operation in Darfur and its goal of protecting civilians. That said, references to protection of civilians were overshadowed by a larger debate regarding the potential deferral (under Article 16 of the Rome Statute) of the possible International Criminal Court (ICC)

[19] Security Council Report, *Darfur, Sudan,* August 2007.
[20] S/PV.5727 of 31 July 2007.

warrant against Sudan's President Omar al-Bashir.[21] Resolution 1828 reflected a compromise between Council members divided on the issue: it emphasized the need for international justice but allowed the Council time to consider the issue further. As of June 2009, deferral of the ICC warrant under Article 16 continued to be a major source of contention within the Security Council.[22]

Mission planning and start-up

Overview of the planning process

In some respects, planning for UNAMID followed an unusual path. First, there was huge international attention on Darfur and the humanitarian crisis there, as well as the ongoing conflict in the region. Second, the mission for the UN in Darfur was initially envisioned as an expansion of the UNMIS peacekeeping mission in Southern Sudan. Third, the planning was coordinated with the African Union, which was running its own peacekeeping mission, AMIS, and played a key political role both regionally and on the broader international stage. Finally, the relationship with the GoS was very difficult, making the premise of consent uncertain.

It is unclear whether a formal strategic assessment took place. Planning began in April 2006 after the Secretary-General's Planning Directive of 3 March 2006. From the beginning, the process was integrated, involving not only the Office for the Coordination of Humanitarian Affairs (OCHA), but also the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the Office of the High Commissioner for Human Rights (OHCHR), the UN Department of Safety and Security (UNDSS), the UN Department of Public Information (UNDPI), and the UN Department of Political Affairs (UNDPA); in some cases, delegates from these agencies' presence in Sudan came to New York to participate. Considerable differences in perspective had to be addressed, on both substantive and structural issues.[23]

21 In July 2008, the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, requested that the ICC issue an arrest warrant for President Bashir for war crimes, crimes against humanity, and genocide. On March 4, 2009 the ICC issued a warrant for Bashir's arrest on charges of war crimes and crimes against humanity.

22 S/PV.5947 of 31 July 2008.

23 A 2006 UNHCR comment on the Framework Plan drafted argues that the protection of human rights and the protection of civilians are the same and should be under one component, not two. Internal UN document, (2006).

A Framework Plan (FP) was drafted and a UN–AU Joint Assessment Mission (JAM) was sent to Sudan in early June 2006. Led by Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, and AU Peace and Security Commissioner, Said Djinnit, the JAM consisted of four different teams—three technical and one high-level. A unique aspect of this planning process was having a UN mission already deployed in the host nation. Since UNMIS was going to expand into Darfur, UNMIS officials had considerable input throughout the planning process and made up a significant proportion of the JAM. The UNMIS Protection of Civilians Unit—a civilian body largely focused on the coordination of humanitarian protection activities—played a particularly notable planning role.

The protection of civilians was an unambiguous goal from the start, identified as one of two strategic objectives in the Secretary-General's Planning Directive:

> In his 3 March 2006 directive, the Secretary-General established two strategic objectives for a United Nations peace support operation in Darfur: first, to contribute to the creation of an environment conducive to national reconciliation and lasting peace and stability in a prosperous and united Sudan, where human rights are respected, the protection of all citizens assured, and internally displaced persons and refugees can return home in safety and dignity; and, second, to contribute to the protection of civilians at risk.[24]

This emphasis was reflected throughout the FP, and specifically addressed as a 'Strategic Objective and Mission Aim':

> Subject to the definition of the UN role in a mandate issued by the Security Council, specific objectives for the United Nations operation in Darfur would include, *inter alia,* assisting the parties in restoring and maintaining a secure environment across Darfur and ending attacks against civilians; assisting local authorities in strengthening institutions for the protection of civilians, including restructuring and development of local police; and facilitating the maintenance of humanitarian operations and the provision of basic services.[25]

This challenging set of aims (dealing with conflict, post-conflict, and humanitarian objectives simultaneously) continued through the FP's discussion of specific components, particularly the military, police, and pro-

[24] Darfur Planning Team, (2006), p. 7.
[25] Ibid. (p. 8).

tection components.[26] With regard to the military, 'protection' was listed as one of three core capabilities and was described as requiring a rapid response capacity and the willingness to robustly confront spoilers in order to secure the population. For the police, the role of the Formed Police Units (FPUs) was described in part as providing security within IDP camps.[27]

Finally, for the Protection of Civilians Unit—which already existed in UNMIS—a monitoring, liaison, and coordination role was elaborated, including joint analysis of patterns of violence against civilians, and a warning for potential impending attacks.[28] The FP also recommended that a mechanism be created in the Joint Mission Analysis Cell or the Joint Operations Cell to handle the analysis, warning, and coordination functions, along with prioritization of tasks and allocation of mission resources.[29] The document thus seems to assign the same function to two units—one military and one humanitarian.[30] However, there was no indication of whether or how the humanitarian and military bodies were meant to coordinate and harmonize their information and analysis. Although this may be indicative of the sensitivity surrounding humanitarian actors collecting and sharing information, it likely points to a missing link and a potential tension at this stage between the humanitarian components of the mission—including the POC Unit—which were strong advocates of the protection of civilians, including physical protection, and the military and police components, which were envisioned as being primarily responsible for the physical protection of civilians from attack.

Tensions also existed between the imperative for the military to protect civilians impartially on the one hand, and the political necessity to

26 Ibid. (pp. 20–25). The FP also states, 'The *Protection* element will consist of highly mobile Companies in the formed Infantry Battalions. The Force lay down will include the dispersion of Company sites to allow greater area coverage. For the protection element to be effective, it must have a rapid response capacity and be ready to act robustly towards spoiler activity. Utility [and Attack] aviation will be central to this [pending GoS approval]. The protection element will focus on large population concentrations and on IDP camps, their environs, major areas of insecurity, and other strategic areas deemed essential to expanding area security. The UN Mission will thus expand its area of influence and contribute effectively to the protection of civilians and the implementation of the DPA.'

27 "Tasks envisaged for Formed Police Units include: [. . .] Collaborate with military and humanitarian agencies in the provision of protection in IDP camps and threatened locations, and, using all necessary means, act to protect civilians under imminent threat" Darfur Planning Team, (2006), p. 24.

28 Ibid. (p. 32).

29 Ibid. (p. 17).

30 In the Framework Plan, the UNMIS Protection of Civilians Unit is categorized as a 'Humanitarian/Recovery Element' as opposed to a 'Political Element'. This distinction reflects its reporting line through the Deputy Special Representative of the Secretary-General / Resident Coordinator / Humanitarian Coordinator (DSRSG/RC/HC) of UNMIS, rather than the Principal Deputy Special Representative of the Secretary-General. See Darfur Planning Team (2006, p. 30).

work with the Government of Sudan on the other, as evinced in the excerpt below:

> Early forceful action in response to attacks on civilians, both in IDP camps and in villages, towns and rural areas, is critical to establishing the Mission's credibility and to enhancing its deterrent effect. At the same time, efforts will be made to ensure that protection is provided, and is perceived as being provided, in a neutral and impartial manner. Establishing relationships with all key groups is critical in this regard. Given the Government's primary responsibility for the protection of civilians, the relationship with the authorities, particularly the military and the police, is fundamental to the sustainability of the Mission's protection efforts.[31]

The FP refers to draft concepts of operations (CONOPS) for both the military and police components, and presents options for various sizes and structures of those components depending on two factors: the situation on the ground and the nature of the assets available to the mission.

The FP also helped the JAM prepare by crystallizing the key questions the planners for each mission component needed to answer during their time in Sudan in order to move to the next phase of planning. As a notable consequence of the centrality of POC to the mission at this stage, roughly one-third of the military component's questions were directly related to protection (see Box 1); training on the unique requirements of protection of civilians was envisioned for military and police personnel deployed both in contingents and as headquarters staff.[32]

The JAM report issued on 22 June described the politics and the situation on the ground, identified ways to strengthen AMIS, and extended the vision of the mission articulated in the Framework Plan. Continuing the heavy emphasis on protection of civilians that began with the Secretary-General's Planning Directive, the report proposed specific mandate language—including POC language—briefly laid out the role of most mission components, and highlighted the logistical, political, and capacity challenges that would have to be addressed for the mission to deploy.

Challenges

As drafting began for the Secretary-General's report proposing the mission, various issues and controversies were brought into sharp relief. In

[31] Ibid. (p. 17).

[32] Ibid. (pp. 36 and 41). This was to include 'realistic scenario-based training', which was not described in greater detail.

particular, UNMIS personnel involved in the planning process warned that baseline assumptions about the prospects of the DPA and the potential role of AMIS were outdated one month after the JAM's visit.

Elsewhere, humanitarian voices sought to modify the description of the mission's overarching focus on the protection of civilians in two ways. First, they sought to change 'protect civilians from harm' to 'protect civilians' in order to reflect a wider conception of protection of civilians than solely from imminent threats. Second, they requested that reference to working closely with the Sudanese government in order to achieve the mission's protection goals be removed. They were successful in the first instance, but not the second, and the assumptions about DPA and AMIS remained central to the mission proposed in the Secretary-General's report of 28 July 2006.[33] Both proposals aimed at reducing the Council's usual standard caveats, which narrow the range of what kinds of protection of civilians activities are undertaken by the mission, specifically the physical protection aspects that fall primarily to the military peacekeepers.

In late August, the Security Council passed resolution 1706 (2006) calling for the expansion of UNMIS into Darfur along the lines proposed in the Secretary-General's report to create a mission that would have protection as its overarching objective. This expansion never took place due to the Sudanese government's refusal of consent. Negotiations eventually led to renewed planning, this time for a joint AU–UN mission.[34]

On the basis of the framework for a hybrid operation agreed to by the two organizations in early January 2007, a Quick Review Mission (QRM) was dispatched to Darfur in early February 2007 to update the JAM report from 2006. The QRM report largely reaffirmed the JAM's earlier findings, but noted a deterioration of the security situation and a resultant requirement for a larger numbers of troops and police than originally envisioned: 19,000–20,000 troops, 3,772 individual police, and 19 FPUs, as compared with an original estimate of 17,000–19,000 troops, 3,300 individual police, and 16 FPUs.[35]

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[33] *Darfur Planning Process (HQ Team) After-Action Review,* New York: Best Practices Unit, Department of Peacekeeping Operations, October–December 2006. Although AMIS's expanded October 2004 mandate included protection as a primary objective and as tasks, it remains unclear from the documents shared how AMIS leadership viewed the mission's role in POC activities. Interviews with actors on the ground indicated that under this expanded mandate, some AMIS contingents undertook proactive efforts early on to protect civilians, particularly in relation to protection patrols. However, AMIS's size, resource constraints, and attacks directed at AMIS eventually led to a more bunkered and defensive stance that resulted in criticism by communities under threat and other stakeholders.

[34] For a summary of those deliberations see *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007.

[35] *Report of the Joint AU–UN Quick Review Mission to Darfur,* New York: UNDPKO, 8–19 February 2007.

Box 1

A role for uniformed peacekeepers: POC-related considerations used in planning for the mission in Darfur

While few UN peacekeeping missions have clearly identified tasks for uniformed peacekeepers, the planning for the expansion of UNMIS into Darfur included considerations that identified the threats and vulnerabilities of the civilian population and potential roles for the uniformed components of the mission to provide support to vulnerable civilians. During their technical assessment mission in Sudan, military planners focused on the following points (from a longer list of questions and information gaps) to identify such threats:

- Detailed threat assessment and information on locations and intentions of the parties.
- Establish and assess the degree of compliance to the DPA, by party and location, to build a 'DPA compliance' map of Darfur.
- Detailed information on the humanitarian protection requirement (e.g. likely areas to be attacked, areas of returns and key IDP camps).
- Migration routes.
- How to strike the right balance between ground/air rapid reaction forces.
- How to strike the right balance between the desire to cover the whole territory and the need to concentrate on major population and IDP areas.
- How to rebuild a working relationship and share information between the military and the humanitarian community.
- The best way of cooperation/integration between UN military and police elements.
- Prioritization of protections tasks related to IDP camps (ref OCHA; e.g. likely areas to be attacked, areas of returns and key IDP camps).
- How to deal with outbreaks of violence in IDP camps; legality, military involvement, riot control, cooperation with UN Police, Sudanese security sector.
- In which IDP camps is there perceived to be a threat of violence/are there known to be weapons?
- How to protect 'temporary returns' due to seasonal, nomadic migration or other factors.
- Assess risks related to misconduct in particular sexual exploitation and abuse and preventative measures to combat risks (e.g. selling rations in exchange for sex; location of troops in relation to the vulnerable populations/refugee camps).

Source: Darfur Planning Team (2006, section XIII)

Importantly, while noting delays in implementation and disputes among rebel groups over its adequacy, the QRM was confined by high-level political guidance and largely left untouched the assumption that the DPA would remain central to the mission's strategy.[36]

Intensive integrated planning continued in Addis Ababa in March by joint AU–UN multidisciplinary teams, resulting in the plan for the estab-

[36] See *Conclusions of the High-Level Consultation on the Situation in Darfur*, African Union, Peace and Security Council, 16 November 2006.

lishment of UNAMID that the Secretary-General and the Chairperson of the African Union Commission presented on 5 June 2007. It stated that:

> [t]he hybrid operation should focus on the protection of civilians, the facilitation of full humanitarian access and the return of refugees and internally displaced persons to their homes. It should also contribute to the restoration of security in Darfur, inter alia, through the implementation of the Darfur Peace Agreement.[37]

Notably, the Security Council mandate authorizing the creation of the mission reversed those priorities, authorizing the mission under Chapter VII authority to

> [t]ake the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to [. . .] support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan.[38]

Consideration of protection of civilians in the planning and design of UNAMID

POC was not merely a theme, but rather the central consideration in the planning and design of UNAMID. Planning for the un-implemented expansion of UNMIS into Darfur revolved around protection tasks, as evinced by the Troop-to-Task for Darfur analysis produced by the AU–UN Joint Assessment Mission in June 2006.[39] That document develops an estimate of the size and capabilities required for the military component by adopting an '[infantry company] versus protection tasks and wider area security' approach, which included protection tasks such as patrolling IDP camps and securing key roads.[40]

More importantly, the November 2006 AU–UN high-level meeting in Addis Ababa concluded that civilian security was a necessary prerequisite for progress towards a political solution, and that it would thus need to be a core function of a successor mission to AMIS.[41] As stated in

[37] For a summary of those deliberations see *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007.

[38] S/RES/1769 of 31 July 2007, para. 15.

[39] *AU-UN Technical Assessment Mission: Troops-to-Task for Darfur*, Draft, New York: UNDPKO, June 2006.

[40] Ibid.

[41] *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007, para. 40.

the *Report of the Secretary-General and the Chairperson of the African Union Commission*:

> The high-level consultation underlined that the hybrid operation should be *capable of contributing to the restoration of security and the protection of civilians in Darfur* and should be logistically and financially sustainable, and further noted the need to take into account security along the borders between the Sudan and Chad and the Central African Republic.[42]

Thus the February 2007 QRM's assessment of the force requirements for the mission was shaped around the twin objectives of protecting civilians and implementing the Darfur Peace Agreement.

Taking into account the QRM's findings, the June 2007 *Report* went on to specify that, initially, the primary focus of the military component would be 'on contributing to the protection of civilians and the provision of security for vulnerable populations', only to expand later to monitoring ceasefire violations and supporting the implementation of the Darfur Peace Agreement.[43] The *Report* went into even greater detail to make it clear that the mission's military component would be to protect not only the IDP camps, but also civilians and humanitarian actors throughout the area of operations:

> Priorities will be to provide security to internally displaced persons camps, area and route security, demilitarization and patrolling of humanitarian supply routes and nomadic migration routes and, where necessary, escort for humanitarian convoys, as per established guidelines.[44]

These priorities were to be addressed through the deployment of a force of sufficient size to achieve requisite troop density, backed up by highly mobile Quick Reaction Forces, and robust enough to deter violence preemptively.[45]

The FPUs were likewise envisioned as playing a direct role in the protection of civilians in collaboration with the military component, while individual police officers were delegated to a more indirect protection role through establishing community police forces, monitoring the policing activities of other parties (such as the GoS and rebel groups), and address-

[42] Ibid. (para. 9, emphasis added).
[43] Ibid. (para. 69).
[44] Ibid. (para. 74).
[45] Ibid. (para. 78).

ing issues relating to gender-based violence and the abuse of children.[46] The UNAMID planning process assessed the use of FPUs for protection purposes at an early stage. A UN after-action review claims that during discussions prior to the Secretary-General's Planning Directive, 'a consensus was quickly reached on the priority to protect civilians, which subsequently led to an emphasis on Formed Police Units as opposed to police monitoring functions'.[47] Although UNAMID operates under a non-executive policing mandate, the mission has expected FPUs to conduct independent as well as joint patrols within the vicinity of IDP camps in the demilitarized and buffer zones. While the UNAMID mandate does not explicitly define a role for police in the direct protection of civilians, it is implicit in its role of patrolling IDP camps, highlighting the potential gap between Council intent and eventual mandate interpretation.[48]

The humanitarian dimension of protection was briefly considered as well. The *Report of the Secretary-General and the Chairperson of the African Union Commission* recommended that, in order to preserve the distinction between humanitarian operations on the one hand, and the political/military/security component of the mission on the other, the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator (DSRSG/RC/HC) of UNMIS should retain the lead on coordination of the humanitarian affairs, in cooperation with OCHA.[49] However, it did recommend the creation of a humanitarian liaison component whose role would be to:

> Establish and maintain dialogue and coordination between the military and police components and the humanitarian community, ensuring the mutual exchange of information about ongoing humanitarian and military activities and issues and respective mandates, deployments and operations, and [. . .] advocate for humanitarian issues with the other components of the operation.[50]

The roles of other mission components, including the units for child protection, human rights, and gender, were described in brief, but not explicitly linked to the protection of civilians.

[46] Ibid. (paras. 81–83).

[47] *Darfur Planning Process (HQ Team) After-Action Review*, New York: Best Practices Unit, UNDPKO, October–December 2006, p. 4.

[48] As defined in *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007, paras. 54–55, and S/RES/1769 of 31 July 2007.

[49] *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007, para. 61.

[50] Ibid. (para. 94).

CONOPS

The UNAMID CONOPS was generated following resolution 1769 (2007) and translates the objectives and tasks set out in the mandate into an operational plan. The protection of civilians is a theme that sits at the very core of the CONOPS, so much so that it states explicitly that '[t]he principal objective of UNAMID is the protection of the civilian population'.[51] It goes on to set out the safe provision of humanitarian aid as a close second to protection as a priority, and notes that the police component will play a key role in protection in general.

In a similar vein, the list of tasks for the military component begins with the simple injunction to 'protect civilians', and goes on to list tasks such as: identify, demilitarize, and patrol humanitarian aid supply routes; escort humanitarian aid convoys where necessary; identify and demilitarize nomadic migration routes and achieve route security through patrolling when and where necessary; establish and patrol demilitarized zones around IDP camps; conduct mine clearance activities in cooperation with the parties to the DPA and other agencies.[52]

The CONOPS' threat assessment is equally blunt in describing the type of force required to carry out those tasks:

> The current security situation in Darfur, especially along the border area with its attendant refugee and IDP problems, calls for the deployment of a robust and well equipped Force with the capability to protect itself and react swiftly and effectively to incidents throughout its Area of Responsibility.[53]

This concise description is key to understanding part of the reason why UNAMID has, to date, had relatively little impact upon civilian security in Darfur.

The mission's evolving approach to POC

Mission implementation to date

In resolution 1769 (2007), UNAMID was mandated to assume authority from AMIS no later than 31 December 2007.[54] Prior to and following UNAMID's

[51] *Military Strategic Concept of Operations for the African Union–United Nations Hybrid Operation in Darfur,* New York: UNDPKO, August 2007, para. 14a(1)(a).

[52] Ibid. (para. 12).

[53] Ibid. (para. 6).

[54] S/RES/1769 of 31 July 2007.

assumption of authority, the operation faced persistent delays in deploying both the troops and materiel envisioned by the planning process. For example, the AU and UN had planned for a light and heavy support package to be deployed before 2008 in preparation for the transfer of authority to and expansion of troops and assets under UNAMID. Neither of these packages was deployed on time.

The *Report of the Secretary-General and the Chairperson of the African Union Commission* reported that, as of 9 June 2009, only 13,455 military personnel (including 12,814 troops) of the planned 19,555 had been deployed, representing only 68% of the total authorized military strength. Likewise, 1,902 (50%) of a planned 3,772 individual police advisers and 7 (37%) of a planned 19 FPUs had been deployed. Furthermore, the Phase IV security environment that has persisted since 12 July 2008 has only allowed UNAMID to provide security for a maximum of 1,800 unarmed police officers.[55] Finally, 3,497 civilian personnel, or 63% of the approved strength of 5,557, arrived in Darfur.[56] None of the key air assets—eight attack helicopters and 18 military utility helicopters—required to achieve the mission's quick reaction and air-mobility goals have been deployed.

Fundamentally, UNAMID still suffers from many of the structural weaknesses that hamstrung its predecessor, AMIS. These stem from some of the same causes: relentless obstructionism by the GoS, unwillingness by potential troop-contributing countries to put valuable military helicopters at risk; and restrictions on which countries can contribute troops, not to mention the sheer logistical challenges presented by Darfur's location and geography.[57] Moreover, like AMIS, UNAMID has been the target of serious attacks by armed actors, ranging from increasingly frequent carjackings to assaults on armed patrols. For example, just six months into deployment, unidentified militia attacked a UNAMID police and military patrol, killing seven peacekeepers and wounding over 20.

The slow pace of deployment has frustrated the ambitions of the Force Commander, Gen. Martin Agwai of Nigeria, for the mission. In October

[55] *UNAMID Stresses Peacekeeping Operations Will Continue throughout Darfur,* Press Release, 12 July 2008; *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur,* S/2009/201 of 14 April 2009, para. 43. The UN moved from Security Phase III to IV in Darfur and from Phase II to III in the rest of North Sudan on 12 July 2008 likely in response to a number of factors, including the May 2008 rebel JEM attack on Khartoum, the 8 July attack on UNAMID that killed seven and wounded more than 20 UNAMID personnel, and the ICC prosecutor's impending call for an arrest warrant for the President of Sudan. Among other things, UN security phases provide guidelines on the number of civilian UN staff allowed in an area and on travel restrictions.

[56] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur,* S/2009/201 of 14 April 2009, paras. 47–54.

[57] See, for instance, Borger (2008).

2007, he sent out a force directive cautioning that he detected a 'siege mentality' in the way the force operated at that time: 'a tendency to only operate when the Force has the permission of the parties (including GoS).'[58] Gen. Agwai outlined his intent: 'By 31 March 2008, the Force [will have] established itself as an independent, impartial Force playing its part in the protection of UN, humanitarian and civilian personnel.'[59] He directed the mission to take a more confident, assertive approach, and while acknowledging the challenges and limitations it would face, directed UNAMID to steadily increase patrolling—including on foot and at night—particularly in support of FPU and CIVPOL operations around IDP camps.[60]

In spite of Gen. Agwai's ambitions, security conditions and threats to civilians have only worsened since UNAMID assumed authority at the end of 2007. According to OCHA, both the number of IDPs and the total affected population rose steadily over the first ten months of 2008 (see Graph 1). Similarly, attacks against humanitarians also increased, including almost daily attacks in 2008, further restricting access to populations in need. Of the six reports of the Secretary-General on Darfur published over the same period, four describe the security situation as having deteriorated over the reporting period; the other two characterize it as 'volatile'.[61]

In October 2008, Gen. Agwai spoke at a seminar at the Institute for Security Studies in Pretoria, South Africa, and expressed his frustration on a number of fronts.[62] He argued that resolution 1769 (2007) had been overly ambitious in expecting UNAMID to be fully deployed by 31 December 2007, and that the entire mission was doomed to fail without the helicopters that were an integral part of the UNAMID plans and CONOPS. Moreover, he argued that it is impossible to keep peace where there is none to keep. He also defended UNAMID's performance with its existing resources, particularly with regard to the protection of civilians, citing firewood escorts, local conflict mediation, investigation of ceasefire violations, and the provision of escorts for humanitarian access as examples.

In October 2008, Joint Special Representative Rodolphe Adada provided yet more insight into the challenges facing the mission when he

[58] *Military Command Directive for Force Operations in Darfur (UNAMID), Version 1.0,* 22 October 2007, para. 10a.

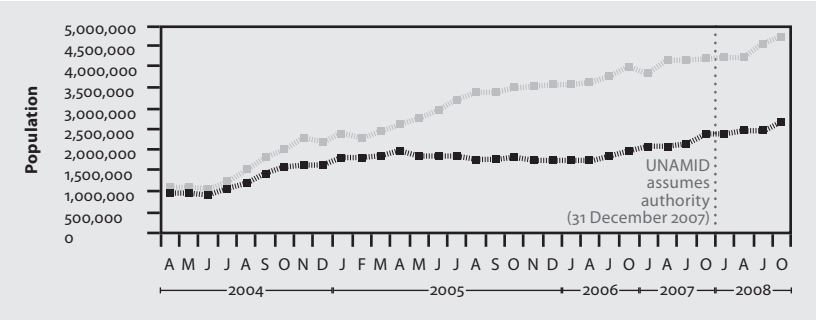
[59] Ibid. (para. 3b).

[60] Ibid. (para. 13).

[61] See *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur,* S/2008/781 of 12 December 2008, para. 2 and *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur,* S/2008/304 of 9 May 2008, para. 2.

[62] *Darfur and the Battle for Khartoum*, Situation Report, ISS (Institute for Security Studies), Pretoria: ISS, 4 September 2008.

Graph 1 Estimated number of IDPs and total affected population, April 2004–October 2008 (UN estimates)



■ IDPs

■ Total affected population (IDPs and conflict-affected residents)

Source: *Darfur Humanitarian Profile.* No. 33, Khartoum: DSRSG/RC/HC, 1 October 2008.

explained that the security conditions were such that UNAMID military patrols and logistics activities (e.g. water collection) were extremely force-intensive:

> For activities close to base, a company can deploy one platoon on activities such as confidence-building, firewood, verification, or protection patrols, one platoon as camp guard force, and a third platoon in reserve or to escort logistics movements during which some operational activities can also be performed. Patrolling at greater ranges or for longer durations requires a minimum of two platoons, with the third platoon remaining to protect the camp.[63]

This detailed explanation serves to illustrate precisely how the combination of UNAMID's slow deployment, the lack of required assets, and the deteriorating security conditions have severely curtailed the mission's ability to implement its mandate to protect civilians.

Through 2008 and the first half of 2009, UNAMID continued to struggle on a number of fronts. The GoS has frequently obstructed UNAMID deployment and operations. In June 2009, the Secretary-General reported that 62 Nigerian armoured personnel carriers had arrived in Sudan but had been awaiting customs clearance for more than one month.[64] He also described the grounding of three UNAMID helicopters used for medical

[63] Internal UN document, UNAMID, El Fasher, 21 October 2008.

[64] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2009/297 of 9 June 2009, para. 37.

evacuations because their newly installed night-flying equipment did not conform to the specifications agreed to between the mission and the GoS.[65]

According to the same report, the GoS impeded the implementation of the mission mandate by: obstructing UNAMID's patrolling activities; detaining quick-impact project implementing partners; confiscating quick-impact project funds; detaining and mistreating Sudanese working for UNAMID; and issuing visas for new staff at an exceedingly slow pace.[66]

During 2009 the mission began to face a challenge familiar to other peacekeeping missions: civilians gathering around team sites for physical protection from attack that the mission may or may not be capable of providing at that particular location. Ongoing clashes and intense aerial bombardment of the Southern Darfur town of Muhajiriya resulted in 'as many as 10,000 individuals gathered around the perimeter of the UNAMID camp [. . .] placing considerable strain on Operation's protection capacity' (see Box 2).[67] During fighting between a rebel group and GoS forces at Umm Barru in Northern Darfur in June 2009, roughly 350 civilians sought refuge inside the UNAMID team site, which came under fire repeatedly.[68] While the mission's willingness to accept civilians into its team site at Umm Barru provided them with protection, it raises the question as to whether UNAMID had developed and disseminated guidelines about how to respond to civilians seeking shelter in or around team sites prior to the event.[69]

The police component of UNAMID has been plagued with the same logistical and insecurity problems that have hindered mission-wide deployment. Under Police Commissioner Michael Fryer, UNAMID has focused its efforts on increased patrolling,[70] community policing, and training Sudanese law enforcement officials. Starting in January 2008, UN police began the Community Policing Initiative, attempting to undertake 24-hour, 7-day patrols in IDP camps across the three sectors.[71] With a three-phase implementation plan, UNAMID has continued to lengthen patrolling hours and has constructed 58 Community Policing Centres in or near vulner-

[65] Ibid. (para. 42).
[66] Ibid. (para. 49).
[67] Ibid. (para. 63).
[68] Ibid. (para. 12).
[69] The authors did not receive but are aware of UNAMID directives outlining how UNAMID should respond to humanitarian actors seeking shelter at UNAMID compounds.
[70] Types of patrols include: confidence building, escort, investigation, monitoring, firewood, and farming.
[71] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur,* S/2008/249 of 14 April 2008.

Box 2

Protection under pressure: UNAMID's actions at Muhajiriya

UNAMID's frequent inability to protect civilians from violence figures prominently in the press, but notable examples of its success are often overlooked. In particular, the mission's actions in early 2009 in the town of Muhajiriya stand out as an instance where the mission took effective action to protect civilians from attack.

Located 80 km from the capital of South Darfur, Muhajiriya had been seized by JEM rebels in mid-January 2009. On 24 January, Sudanese forces launched an aerial and ground attack in a bid to retake it, but were unsuccessful. By that point, residents had already perished in the fighting.

In preparation for a major offensive, on 1 February the GoS asked the UN to withdraw all 196 UNAMID peacekeepers stationed in the town. The following day, Sudanese forces bombed the outskirts of Muhajiriya, leading some 5,000 residents to take refuge around the local UNAMID compound. At the same time, JEM forces deliberately placed themselves near heavily populated areas within the town.

Upholding their mandate, UNAMID chose to ignore Sudan's request for withdrawal and decided to remain in the town to protect the 30,000 residents and IDPs. At the same time, the Secretary-General asked the rebels to leave town, and for all sides to restrain themselves. The JEM rebels offered to withdraw from Muhajiriya as long as UN peacekeepers made it a military-free zone (free from government forces and forces of the SLA faction of Minni Minnawi), but the GoS immediately rejected the JEM proposal. The GoS also detained a high-level UNAMID fact-finding mission bound for Muhajiriya for hours at an airport in El Fasher, allegedly, and somewhat ironically, because of security concerns.

Following further bombing by the GoS, rebel forces withdrew from the town and the government took control. Fighting ended on 5 February, but 3,000 IDPs continued to seek protection outside the UNAMID compound. UNAMID's refusal to withdraw from the town as the Sudanese government requested may well have prevented a far larger assault on the town that could have cost many more civilian lives. In this case, the mission's willingness to contravene the host nation's wishes was key to fulfilling its POC mandate.

able IDP camps in an attempt to proactively engage IDPs, local communities, and government authorities.[72] In addition to increased patrolling and nearby presence, UN police continue to train community policing volunteers[73] within the camps to further cooperation between the community, the UN, and government authorities.[74] It should be noted that the slow deployment of FPUs has continued to undermine UNAMID's ability to implement plans for patrols, and in particular 24-hour patrols.

[72] As of March 2009. See *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2009/201 of 14 April 2009.

[73] Volunteers are trained in gender-based violence, human rights, child protection, and the principles of community policing.

[74] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2009/83 of 10 February 2009.

Coordination with humanitarian actors

The relationship between UNAMID on the one hand, and the UN Country Team and humanitarian community on the other is even more complicated than what is generally found in UN peace operations. In part, this is due to the fact that UNAMID is not an integrated mission.

The Security Council—acting on the advice of the Secretary-General and the AU Chairperson—decided to allow the UNMIS DSRSG/RC/HC to retain the lead on humanitarian coordination and POC in Darfur.[75] This decision followed advocacy by the humanitarian community, which, facing increasing attacks and decreasing access, remained concerned about creating a clear distinction from the political and military arms of the mission. As discussed in Chapter 4, there were concerns regarding UNAMID's role in supporting the DPA, given the agreement's deep-rooted unpopularity among many IDP communities with whom the humanitarian community works and its lack of acceptance among several parties to the conflict. Inherent in UNAMID's support to the DPA, commonly acknowledged as 'dead' before the arrival of mission deployment, is partnership with the GoS. Complicating matters is the popular perception of the GoS as a belligerent in between short-lived cease-fires and as a perpetrator of much of the original violence and possible sponsor of a proportion of the current violence.

Regardless of the merits or drawbacks of the reasons for non-integration, the implementation resulted in a complicated communication and coordination system and a number of challenges. UNAMID was designed to include a Humanitarian Recovery, Development, and Liaison Section (HRDLS), with personnel in each of UNAMID's sectors and with a head office at UNAMID headquarters in El Fasher, North Darfur. HRDLS was tasked with interfacing with the humanitarian community through OCHA at the field level and through the UN Humanitarian Country Team[76] and the UNMIS DSRSG/RC/HC, whose office is based at UNMIS headquarters in Khartoum (most UN agencies and NGOs in Northern Sudan have headquarters in Khartoum). The geographical distance between headquarters and meetings, the DSRSG/RC/HC's multiple responsibilities covering all of Sudan, a lack of capacity within the HRDLS and OCHA, and turf battles all contributed to a lack of communication and coordination. Two steps were taken in 2008 to try to alleviate these challenges: a) a Deputy Resident

[75] *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*, S/2007/307/Rev.1 of 5 June 2007, para. 61.

[76] See Chapter 2 for a description of the UN Humanitarian Country Team, which includes the head of the Protection Cluster, UNHCR.

and Humanitarian Coordinator was appointed for Darfur and b) he was based at a newly created regional OCHA office in El Fasher.

The history of the implementation of the cluster approach in Darfur, particularly UNHCR's role as the head of the Protection Cluster, has been highly contentious within the humanitarian community in Darfur. For internal reasons, as well as pressure from the Sudanese authorities, UNHCR had been reluctant to take on the role and only recently agreed to do so. The GoS had still not officially sanctioned UNHCR's coordinating role with IDPs at the time of writing. The GoS maintains a highly defensive stance on protection activities, further complicating the role.

Some evidence that communication between UNAMID and other actors may not be optimal is available in the form of a *Proposal for UNAMID Deployment* created initially by UNMIS, UNDSS, and the UN Country Team in Darfur in October 2007, and subsequently revised with input from the UN Humanitarian Country Team in February 2008. This document outlines a number of overarching principles and a series of general operational principles it recommends for UNAMID and then launches into a detailed, site-by-site listing of where UNAMID should deploy, and at what strength. Available evidence suggests that the latter were not developed in consultation with military experts familiar with the operational realities facing UNAMID.[77]

The document's proposed operational principles include '[r]egular coordination and interaction with humanitarian agencies mainly on protection issues and return issues/newly returned areas', begging the question as to why, seven months into the deployment process and one month since assuming authority, such coordination mechanisms were not already in place. Overall, the document raises serious questions regarding the effectiveness coordination and communication between UNAMID and other UN components.

In light of these unanswered questions, the visit of the UNMIS DSRSG/RC/HC to Nyala (South Darfur) on 26 August 2008 is notable. It came the day after an estimated 64 civilians were killed and 117 wounded when GoS forces allegedly attempted to search for rumoured weapons caches in the Kalma IDP camp.[78] A UN report[79] indicated that the Nyala Criminal Court had issued a general search order on 21 August 2008, authorizing law enforcement officials to search the Kalma camp on suspicion of arms, theft,

[77] Author interview, 6 May 2009.

[78] *UNAMID Condemns Use of Excessive Force at Kalma IDP Camp in South Darfur*, Press Release, 26 August 2008.

[79] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2009/83 of 10 February 2009, para. 28.

and robbery.[80] On the evening of 24 August, UNAMID received written notification from the GoS of the impending operation.[81] The operation began around 5 a.m. the next morning (25 August), as 1,000 GoS security forces approached the camp, where they were met by a group of IDPs (including women and children) who intended to prevent their entry.[82] According to the report, government forces fired shots in the air between 8 a.m. and 8:30 a.m. before opening fire on the IDPs, killing 33 civilians and wounding 108 others.[83] The report was unable to determine if any IDPs had fired first, or even if they were armed, but it concluded that GoS forces had used excessive force in violation of international human rights and humanitarian law.[84]

Although the Nyala visit was originally planned to examine the humanitarian response to flooding in the area, the DSRSG/RC/HC used her meetings with local officials to discuss the security situation in Kalma, including proposing a 'more strategic use of formed police units' to address GoS security concerns in the camp.[85] She expressed an intent to '[work] closely with the humanitarian country team to determine the appropriate interventions to redress these issues'.[86] Finally, the code cable report of this visit observes that: '"The Government did seem open to dialogue with UNAMID on the broader security concerns, and it is important that we capitalize on this window."'[87]

Recent reports of the Secretary-General offer a number of examples of cooperation between UNAMID and various humanitarian, human rights, and development actors to protect civilians. UNAMID did establish a 24/7 presence in the Kalma IDP camp, and 'established a mission-wide integrated approach to pursuing its mandate to protect internally displaced persons', requiring 'strong collaboration between UNAMID and the humanitarian community'.[88] Other examples of cooperation include the following:

[80] A presence of light and heavy arms had been reported previously by independent sources.

[81] While the report does not provide the details of the notification received on 24 August 2008 (regardless of whether the mission was made aware of the timing/date of the GoS search operation), it remains unclear whether and how the mission responded to the notification. This is of concern as the UN and human rights organizations have expressed concern about previous government attempts to dismantle or disrupt the camp.

[82] Members of the National Intelligence and Security Services, police and SAF sought to enter the camp.

[83] *Killing and Injuring of Civilians on 25 August 2008 by Government Security Forces: Kalma IDP Camp, South Darfur, Sudan*, Office of the High Commissioner for Human Rights, 23 January 2009.

[84] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2009/83 of 10 February 2009, para. 28.

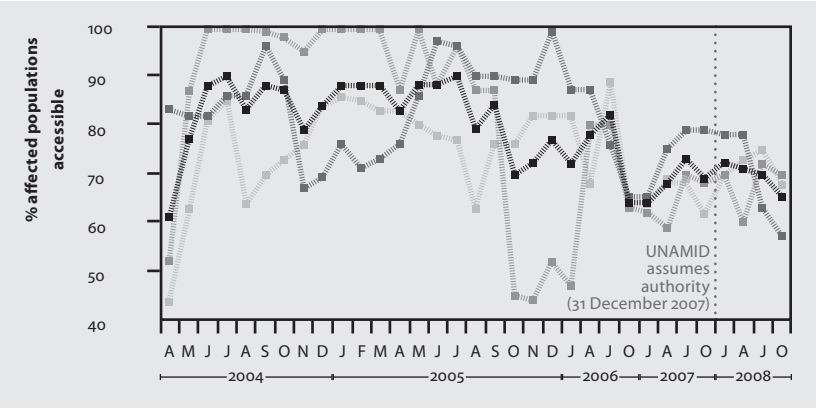
[85] UNMIS Internal Document, Nyala, 27 August 2008.

[86] Ibid.

[87] Ibid.

[88] Report *of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2008/781 of 12 December 2008, para. 19.

Graph 2 Percentage of affected population accessible to UN humanitarian aid, April 2004–October 2008



Source: *Darfur Humanitarian Profile.* No. 33, Khartoum: DSRSG/RC/HC, 1 October 2008.

- In January 2009, the Office of the High Commissioner for Human Rights and UNAMID jointly issued a public report on the 25 August 2008 Kalma IDP camp incident, in which GoS security forces had opened fire on IDPs.[89] It recommended that UNAMID conduct 24-hour patrols in Kalma and other IDP camps in reaction to the daily police presence provided at the Kalma camp prior to the incident. Attention surrounding the Kalma camp incident further highlighted the need for UNAMID to protect civilians, particularly in IDP camps.
- After the GoS expelled 13 humanitarian aid NGOs in March 2009, the mission began guarding warehouses and vehicles belonging to the expelled NGOs around the clock 'in order to assist humanitarian activities in Darfur'.[90]
- Beginning in February 2009, fighting in Southern Darfur led to an influx of 46,000 civilians to the Zam Zam IDP camp, around 16 km south of El Fasher and the main UNAMID base. In support of humani-

[89] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2009/83 of 10 February, 2009, para. 28.

[90] *Report of the Secretary-General on the Deployment of the African Union–United Nations Hybrid Operation in Darfur*, S/2009/297 of 9 June, 2009, para. 22.

tarian efforts, UNAMID transports water for 3,000 people to the camp each day and provides daily escorts for agencies and staff.[91]

Whatever the status of consultation and coordination mechanisms between UNAMID and the humanitarian community in Darfur, it is clear from all available reports and vividly depicted in Graph 2 that humanitarian access to the affected population has only continued to decline, despite the deployment of UNAMID.

Conclusion

Throughout its short history, UNAMID has faced difficult political, physical, and logistical realities that continue to constrain its ability to successfully protect civilians on the ground. Of the missions discussed in this report, UNAMID is unique in that its initial mission planning process addressed POC in more depth and considered the protection of civilians as one of two primary objectives, the other being the implementation of the DPA. Mission planners envisaged a mobile and robust peacekeeping force, supported by a significant police component, capable of providing broad area security for civilians. Unfortunately, many assumptions upon which the planning process was built were invalid by the time UNAMID deployed; most notably, the government withdrew its consent and the Darfur Peace Agreement collapsed. Further, deployment was seriously delayed due to GoS obstruction and delays in generating troops and critical assets.

In addition to UNAMID's delayed deployment, the mission's ability to provide protection has been further hampered by the hazardous security environment, elevating self-protection requirements to a point that may undermine the ability of the mission to carry out its mandate. This particular mission provides a variety of lessons (from the examples of Kalma camp to Muhajiriya) for the planning, deployment, and operations of future missions mandated to protect civilians. In particular, UNAMID's short and troubled history demonstrates the challenges of implementing a protection of civilians mandate when operating without genuine host nation consent; a clear concept of protection; sufficient resources; and some semblance of a viable and inclusive peace agreement.

Please see Chapter 4 for more recent examples of UNAMID's efforts to protect civilians.

[91] Ibid. (para. 21).

Appendix

UN Security Council resolution 1769 (2007) reads in part as follows with regard to UNAMID's mandate:

Determining that the situation in Darfur, Sudan continues to constitute a threat to international peace and security,

> 1. *Decides,* in support of the early and effective implementation of the Darfur Peace Agreement and the outcome of the negotiations foreseen in paragraph 18, to authorise and mandate the establishment, for an initial period of 12 months, of an AU/UN Hybrid operation in Darfur (UNAMID) as set out in this resolution and pursuant to the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007, and *further decides* that the mandate of UNAMID shall be as set out in paragraphs 54 and 55 of the report of the Secretary General and the Chairperson of the African Union Commission of 5 June 2007.

Paragraphs 54 and 55 of the *Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur* of 5 June 2007 read as follows:

54. The African Union-United Nations agreed framework on the hybrid operation envisaged that elements of its mandate would be drawn from the Darfur Peace Agreement, the current AMIS mandate, the Secretary-General's report of 28 July 2006 on Darfur (S/2006/591) and relevant communiqués of the African Union Peace and Security Council and resolutions of the United Nations Security Council. It will also be informed by the security situation in Darfur. On the basis of these considerations, the proposed mandate of the hybrid operation in Darfur should be as follows:

(a) To contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur;

(b) To contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan;

(c) To monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, as well as assist with the implementation of the Darfur Peace Agreement and any subsequent agreements;

(d) To assist the political process in order to ensure that it is inclusive, and to support the African Union-United Nations joint mediation in its efforts to broaden and deepen commitment to the peace process;

(e) To contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees to their homes;

(f) To contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur;

(g) To assist in the promotion of the rule of law in Darfur, including through support for strengthening an independent judiciary and the prison system, and assistance in the development and consolidation of the national legal framework, in consultation with relevant Sudanese authorities;

(h) To monitor and report on the security situation at the Sudan's borders with Chad and the Central African Republic.

55. In order to achieve these broad goals, the operation's tasks would include the following:

(a) Support for the peace process and good offices:

  (i) To support the good offices of the African Union-United Nations Joint Special Representative for Darfur and the mediation efforts of the Special Envoys of the African Union and the United Nations;

  (ii) To support and monitor the implementation of the Darfur Peace Agreement and subsequent agreements;

  (iii) To participate in and support the major bodies established by the Darfur Peace Agreement and any subsequent agreements in the implementation of their mandate, including through the provision of technical assistance and logistical support to those bodies;

  (iv) To facilitate the preparation and conduct of the Darfur-Darfur Dialogue and Consultation, as stipulated in the Darfur Peace Agreement;

  (v) To assist in the preparations for the conduct of the referendums provided for in the Darfur Peace Agreement;

  (vi) To ensure the complementary implementation of all peace agreements in the Sudan, particularly with regard to the national provisions of those agreements, and compliance with the Interim National Constitution;

(vii) To liaise with UNMIS, the African Union Liaison Office for the implementation of the Comprehensive Peace Agreement and other stakeholders to ensure complementary implementation of the mandates of UNMIS, the African Union Liaison Office for the implementation of the Comprehensive Peace Agreement and the hybrid operation in Darfur;

(b) Security

(i) To promote the re-establishment of confidence, deter violence and assist in monitoring and verifying the implementation of the redeployment and disengagement provisions of the Darfur Peace Agreement, including by actively providing security and robust patrolling of redeployment and buffer zones, by monitoring the withdrawal of long-range weapons, and by deploying hybrid police, including formed police units, in areas where internally displaced persons are concentrated, in the demilitarized and buffer zones, along key routes of migration and in other vital areas, including as provided for in the Darfur Peace Agreement;

(ii) To monitor, investigate, report and assist the parties in resolving violations of the Darfur Peace Agreement and subsequent complementary agreements through the Ceasefire Commission and the Joint Commission;

(iii) To monitor, verify and promote efforts to disarm the Janjaweed and other militias;

(iv) To coordinate non-combat logistical support for the movements;

(v) To assist in the establishment of the disarmament, demobilization and reintegration programme called for in the Darfur Peace Agreement;

(vi) To contribute to the creation of the necessary security conditions for the provision of humanitarian assistance and to facilitate the voluntary and sustainable return of refugees and internally displaced persons to their homes;

(vii) In the areas of deployment of its forces and within its capabilities, to protect the hybrid operation's personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations-African Union personnel, humanitarian workers and Assessment and Evaluation Commission personnel, to

prevent disruption of the implementation of the Darfur Peace Agreement by armed groups and, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under imminent threat of physical violence and prevent attacks and threats against civilians;

(viii) To monitor through proactive patrolling the parties' policing activities in camps for internally displaced persons, demilitarized and buffer zones and areas of control;

(ix) To support, in coordination with the parties, as outlined in the Darfur Peace Agreement, the establishment and training of community police in camps for internally displaced persons, to support capacity-building of the Government of the Sudan police in Darfur, in accordance with international standards of human rights and accountability, and to support the institutional development of the police of the movements;

(x) To support the efforts of the Government of the Sudan and of the police of the movements to maintain public order and build the capacity of Sudanese law enforcement in this regard through specialized training and joint operations;

(xi) To provide technical mine-action advice and coordination and demining capacity to support the Darfur Peace Agreement;

(c) Rule of law, governance, and human rights:

(i) To assist in the implementation of the provisions of the Darfur Peace Agreement and any subsequent agreements relating to human rights and the rule of law and to contribute to the creation of an environment conducive to respect for human rights and the rule of law, in which all are ensured effective protection;

(ii) To assist all stakeholders and local government authorities, in particular in their efforts to transfer resources in an equitable manner from the federal Government to the Darfur states, and to implement reconstruction plans and existing and subsequent agreements on land use and compensation issues;

(iii) To support the parties to the Darfur Peace Agreement in restructuring and building the capacity of the police service in Darfur, including through monitoring, training, mentoring, co-location and joint patrols;

(iv) To assist in promoting the rule of law, including through institution-building, and strengthening local capacities to combat impunity;

(v) To ensure an adequate human rights and gender presence capacity, and expertise in Darfur in order to contribute to efforts to protect and promote human rights in Darfur, with particular attention to vulnerable groups;

(vi) To assist in harnessing the capacity of women to participate in the peace process, including through political representation, economic empowerment and protection from gender-based violence;

(vii) To support the implementation of provisions included in the Darfur Peace Agreement and any subsequent agreements relating to upholding the rights of children;

(d) Humanitarian assistance: to facilitate the effective provision of humanitarian assistance and full access to people in need.

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ANNEX

Selected Mission Mandates and POC Language

MONUC (Democratic Republic of the Congo)

	Resolution 1291 (2000)	Resolution 1493 (2003)
'Protect civilians under imminent threat of physical violence'	8. *Acting* under Chapter VII of the Charter of the United Nations, decides that MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, [. . .] protect civilians under imminent threat of physical violence.	*Acting* under Chapter VII of the Charter of the United Nations, 25. *Authorizes* MONUC to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities: – to protect civilians and humanitarian workers under imminent threat of physical violence; 26. *Authorizes* MONUC to use all necessary means to fulfill its mandate in the Ituri district and, as it deems it within its capabilities, in North and South Kivu.
Physical protection of UN personnel	8. *Acting* under Chapter VII of the Charter of the United Nations, decides that MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect United Nations and co-located JMC personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel.	*Acting* under Chapter VII of the Charter of the United Nations, 25. *Authorizes* MONUC to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities: – to protect United Nations personnel, facilities, installations and equipment; – to ensure the security and freedom of movement of its personnel, including in particular those engaged in missions of observation, verification or DDRRR; 26. *Authorizes* MONUC to use all necessary means to fulfill its mandate in the Ituri district and, as it deems it within its capabilities, in North and South Kivu.

Facilitation of provision of humanitarian assistance	7. *Decides* that MONUC, in cooperation with the JMC, shall have the following mandate: (g) to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations and non-governmental organizations.	*Acting* under Chapter VII of the Charter of the United Nations, 25. *Authorizes* MONUC to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities: – and to contribute to the improvement of the security conditions in which humanitarian assistance is provided; 26. *Authorizes* MONUC to use all necessary means to fulfil its mandate in the Ituri district and, as it deems it within its capabilities, in North and South Kivu.
Prevent sexual and gender-based violence	7. *Decides* that MONUC, in cooperation with the JMC, shall have the following mandate: (g) to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations and non-governmental organizations.	*Acting* under Chapter VII of the Charter of the United Nations, 9. *Reaffirms* the importance of a gender perspective in peacekeeping operations in accordance with resolution 1325 (2000), recalls the need to address violence against women and girls as a tool of warfare, and in this respect encourages MONUC to continue to actively address this issue; and calls on MONUC to increase the deployment of women as military observers as well as in other capacities.
Addressing the special protection and assistance needs of children	7. *Decides* that MONUC, in cooperation with the JMC, shall have the following mandate: (g) to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations and non-governmental organizations.	
'Protect civilians under imminent threat of physical violence'	*Acting* under Chapter VII of the Charter of the United Nations, 4. *Decides* that MONUC will have the following mandate: (b) to ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, 6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above.	*Acting* under Chapter VII of the Charter of the United Nations, 3. *Decides* that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to: (a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict; [. . .]

	Resolution 1291 (2000)	Resolution 1493 (2003)
		5. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 3, subparagraphs (a) to (g), (i), (j), (n), (o), and in paragraph 4, subparagraph (e); 6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4.
Physical protection of UN personnel	*Acting* under Chapter VII of the Charter of the United Nations, 4. *Decides* that MONUC will have the following mandate: (c) to ensure the protection of United Nations personnel, facilities, installations and equipment, (d) to ensure the security and freedom of movement of its personnel, [. . .] 6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above.	*Acting* under Chapter VII of the Charter of the United Nations, 3. *Decides* that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to: [. . .] (c) Ensure the protection of United Nations personnel, facilities, installations and equipment; (d) Ensure the security and freedom of movement of United Nations and associated personnel; [. . .] 5. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 3, subparagraphs (a) to (g), (i), (j), (n), (o), and in paragraph 4, subparagraph (e); 6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4.
Facilitation of provision of humanitarian assistance	*Acting* under Chapter VII of the Charter of the United Nations, 4. *Decides* that MONUC will have the following mandate: (a) to deploy and maintain a presence in the key areas of potential volatility in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring the use of force to threaten the political process, and to allow United Nations personnel to operate freely, particularly in the Eastern part of the Democratic Republic of the Congo, [. . .]	

	Resolution 1291 (2000)	Resolution 1493 (2003)
	6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above.	
Assist in the creation of conditions conducive to IDP/refugee return	*Acting* under Chapter VII of the Charter of the United Nations, 5. *Decides* that MONUC will also have the following mandate, in support of the Government of National Unity and Transition: (b) to contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons, 6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above.	*Acting* under Chapter VII of the Charter of the United Nations, 3. Decides that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to: (b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons; 5. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 3, subparagraphs (a) to (g), (i), (j), (n), (o), and in paragraph 4, subparagraph (e); 6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4.
Prevent sexual and gender-based violence	*Acting* under Chapter VII of the Charter of the United Nations, 5. *Decides* that MONUC will also have the following mandate, in support of the Government of National Unity and Transition: (g) to assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations to put an end to impunity, and continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant agencies of the United Nations; 6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units	4. *Decides* that MONUC will also have the mandate, in close cooperation with the Congolese authorities, the United Nations Country Team and donors, to support the strengthening of democratic institutions and the rule of law and, to that end, to: [. . .] (c) Assist in the promotion and protection of human rights, with particular attention to women [. . .]; 6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4; 13. *Requests* MONUC, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo,

	Resolution 1291 (2000)	Resolution 1493 (2003)
	are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above.	to strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem.
Addressing the special protection and assistance needs of children	*Acting* under Chapter VII of the Charter of the United Nations, 5. *Decides* that MONUC will also have the following mandate, in support of the Government of National Unity and Transition: (g) to assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations to put an end to impunity, and continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant agencies of the United Nations; 6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above.	*Acting* under Chapter VII of the Charter of the United Nations, 4. *Decides* that MONUC will also have the mandate, in close cooperation with the Congolese authorities, the United Nations Country Team and donors, to support the strengthening of democratic institutions and the rule of law and, to that end, to:(c) Assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations and publish its findings, as appropriate, with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law; 6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4.

UNOCI (Côte d'Ivoire)

	Resolution 1528 (2004)	Resolution 1609 (2005)	Resolution 1739 (2007)
'Protect civilians under imminent threat of physical violence'	*Acting* under Chapter VII of the Charter of the United Nations, 6. (i) [. . .] and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (k) [. . .] and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (f) [. . .] and, without prejudice to the responsibility of the Government of Côte d'Ivoire, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment.
Physical protection of UN personnel	*Acting* under Chapter VII of the Charter of the United Nations, 6. (i) To protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel [. . .] within its capabilities and its areas of deployment.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (k) To protect United Nations personnel, installations and equipment, ensure the security and freedom of movement of United Nations personnel.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (k) To protect United Nations personnel, installations and equipment, ensure the security and freedom of movement of United Nations personnel.
Facilitation of provision of humanitarian assistance	*Acting* under Chapter VII of the Charter of the United Nations, 6. (k) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions.	*Acting* under Chapter VII of the Charter of the United Nations, (o) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions and taking into account the special needs of vulnerable groups, especially women, children and elderly people.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (h) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish necessary security conditions and taking into account the special needs of vulnerable groups, especially women, children and elderly people.
Assist in the creation of conditions conducive to IDP/refugee return	*Acting* under Chapter VII of the Charter of the United Nations, 6. (c) To assist the Government of National Reconciliation in monitoring the borders, with particular attention to the situation of Liberian refugees and to the movement of combatants.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (c) To assist the Government of National Reconciliation in monitoring the borders, with particular attention to the situation of Liberian refugees and to the movement of combatants.	*Acting* under Chapter VII of the Charter of the United Nations, (a) [. . .] To assist the Government of Côte d'Ivoire in monitoring the borders, with particular attention to the situation of Liberian refugees and to any crossborder movement of combatants.

	Resolution 1528 (2004)	Resolution 1609 (2005)	Resolution 1739 (2007)
Prevent sexual and gender-based violence	*Acting* under Chapter VII of the Charter of the United Nations, 6. (n) To contribute to the promotion and protection of human rights in Côte d'Ivoire with special attention to violence committed against women and girls, and to help investigate human rights violations with a view to help ending impunity.	*Acting* under Chapter VII of the Charter of the United Nations, (o) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions and taking into account the special needs of vulnerable groups, especially women, children and elderly people, [. . .], (t) To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women, to monitor and help investigate human rights violations with a view to ending impunity, and to keep the Security Council Committee established pursuant to resolution 1572 (2004) regularly informed of developments in this regard.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (b) To coordinate closely with the United Nations Mission in Liberia (UNMIL) in the implementation of a voluntary repatriation and resettlement programme for foreign ex-combatants, paying special attention to the specific needs of women and children [. . .] (k) To contribute to the promotion and protection of human rights in Cote d'Ivoire, with special attention to violence committed against children and women [. . .] 7. *Urges* UNOCI to take into account the rights of women and of gender considerations as set out in Security Council resolution 1325 as a cross-cutting issue, including through consultation with local and international women's groups, and requests the Secretary-General, where appropriate, to include in his reporting to the Security Council progress on gender mainstreaming throughout UNOCI and all other aspects relating to the situation of women and girls, especially in relation to the need to protect them from gender-based violence.

	Resolution 1528 (2004)	Resolution 1609 (2005)	Resolution 1739 (2007)
Addressing the special protection and assistance needs of children	*Acting* under Chapter VII of the Charter of the United Nations, 6. (e) To help the Government of National Reconciliation implement the national programme for the disarmament, demobilization and reintegration of the combatants (DDR), with special attention to the specific needs of women and children.	*Acting* under Chapter VII of the Charter of the United Nations, 2. (e) To support the Government of National Reconciliation in the implementation of the national programme for the disarmament, demobilization and reintegration of combatants, paying special attention to the specific needs of women and children, (o) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions and taking into account the special needs of vulnerable groups, especially women, children and elderly people.	*Acting* under Chapter VII of the Charter of the United Nations, 2. *Decides* that UNOCI shall have the following mandate from the date of adoption of this resolution: (b) [. . .] To support the Government of Côte d'Ivoire, within UNOCI's current capacities, in the implementation of the national programme for the disarmament, demobilization and reintegration of combatants, including through logistical support, in particular for the preparation of cantonment sites, paying special attention to the specific needs of women and children, (k) To contribute to the promotion and protection of human rights in Cote d'Ivoire, with special attention to violence committed against children and women, to monitor and help investigate human rights violations with a view to ending impunity, and to keep the Security Council Committee established pursuant to paragraph 14 of resolution 1572 (2004) (the Committee) regularly informed of developments in this regard.

UNMIS (Sudan)

	Resolution 1590 (2005)	Resolution 1812 (2008)	Resolution 1870 (2009)
'Protect civilians under imminent threat of physical violence'	16. *Acting* under Chapter VII of the Charter of the United Nations, (i) [. . .] and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence.		14. *Requests* UNMIS to make full use of its current mandate and capabilities to provide security to the civilian population, humanitarian and development actors and UN personnel under imminent threat of violence as stated in resolution 1590 (2005), stresses that this mandate includes the protection of refugees, displaced persons and returnees, and emphasizes in particular the need for UNMIS to make full use of its current mandate and capabilities with regard to the activities of militias and armed groups such as the Lord's Resistance Army in Sudan, as stated in resolution 1663 (2006).
Physical protection of UN personnel	16. *Acting* under Chapter VII of the Charter of the United Nations, (i) *Decides* that UNMIS is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel.		
Facilitation of provision of humanitarian assistance	4. *Decides* that the mandate of UNMIS shall be the following: (c) To assist the parties to the Comprehensive Peace Agreement in cooperation with other international partners in the mine action sector, by providing humanitarian demining assistance, technical advice, and		

	Resolution 1590 (2005)	Resolution 1812 (2008)	Resolution 1870 (2009)
	coordination; [. . .] 16. *Acting* under Chapter VII of the Charter of the United Nations, (i) [. . .] ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel.		
Assist in the creation of conditions conducive to IDP/refugee return	4. *Decides* that the mandate of UNMIS shall be the following: (b) To facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions.		
Prevent sexual and gender-based violence	15. *Reaffirms* the importance of appropriate expertise on issues relating to gender in peacekeeping operations and post-conflict peacebuilding in accordance with resolution 1325 (2000), recalls the need to address violence against women and girls as a tool of warfare, and encourages UNMIS as well as the Sudanese parties to actively address these issues.		
Addressing the special protection and assistance needs of children	4. *Decides* that the mandate of UNMIS shall be the following: (d) To contribute towards international efforts to protect and promote human rights in Sudan, as well as to coordinate international efforts towards the protection of civilians with	11. *Requests* UNMIS, consistent with its mandate and in coordination with the relevant parties and taking into account the need to pay particular attention to the protection, release and reintegration of all children associated to	22. *Requests* UNMIS, consistent with its mandate and in coordination with the relevant parties and taking into account the need to pay particular attention to the protection, release and reintegration of children recruited to and

	Resolution 1590 (2005)	Resolution 1812 (2008)	Resolution 1870 (2009)
	particular attention to vulnerable groups including internally displaced persons, returning refugees, and women and children, within UNMIS's capabilities and in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations.	armed forces and armed groups, to increase its support for the National DDR Coordination Council and the Northern and Southern DDR Commissions.	participating with armed forces and armed groups, to increase its support for the National DDR Coordination Council and the Northern and Southern DDR Commissions with special emphasis on reintegrating such children with their families, and to monitor the reintegration process.

UNAMID (Darfur)

	S/2007/307/Rev.1 (*Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*)	**Resolution 1769 (2007)**	**Resolution 1828 (2008)**
'Protect civilians under imminent threat of physical violence'	54. (b) To contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan; 55. In order to achieve these broad goals, the operation's tasks would include the following: B. Security: (vii) [. . .] without prejudice to the responsibility of the Government of the Sudan, to protect civilians under imminent threat of physical violence and prevent attacks and threats against civilians; (viii) To monitor through proactive patrolling the parties' policing activities in camps for internally displaced persons, demilitarized and buffer zones and areas of control.	1. [. . .] further decides that the mandate of UNAMID shall be as set out in paragraphs 54 and 55 of the report of the Secretary General and the Chairperson of the African Union Commission of 5 June 2007 [. . .] 15. *Acting* under Chapter VII of the Charter of the United Nations: (a) decides that UNAMID is authorised to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to: (ii) support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan.	7. *Underlines* the need for UNAMID to make full use of its current mandate and capabilities with regard to the protection of civilians, ensuring humanitarian access and working with other United Nations agencies.
Physical protection of UN personnel	55. In order to achieve these broad goals, the operation's tasks would include the following: B. Security: (vii) In the areas of deployment of its forces and within its capabilities, to protect the hybrid operation's personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations-African Union personnel.	15. *Acting* under Chapter VII of the Charter of the United Nations: (a) decides that UNAMID is authorised to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to: (i) protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers.	

	S/2007/307/Rev.1 (*Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*)	Resolution 1769 (2007)	Resolution 1828 (2008)
Facilitation of provision of humanitarian assistance	54. (a) To contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur; 55. In order to achieve these broad goals, the operation's tasks would include the following: B. Security: (vi) To contribute to the creation of the necessary security conditions for the provision of humanitarian assistance [. . .] (vii) In the areas of deployment of its forces and within its capabilities [. . .] to ensure the security and freedom of movement of United Nations-African Union personnel, humanitarian workers and Assessment and Evaluation Commission personnel, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups [. . .]; (d) Humanitarian assistance: to facilitate the effective provision of humanitarian assistance and full access to people in need.		7. *Underlines* the need for UNAMID to make full use of its current mandate and capabilities with regard to the protection of civilians, ensuring humanitarian access and working with other United Nations agencies.
Assist in the creation of conditions conducive to IDP/refugee return	54. (e) To contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees to their homes;		

	S/2007/307/Rev.1 (*Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur*)	Resolution 1769 (2007)	Resolution 1828 (2008)
	55. In order to achieve these broad goals, the operation's tasks would include the following: B. Security: (vi) [. . .] to facilitate the voluntary and sustainable return of refugees and internally displaced persons to their homes.		
Prevent sexual and gender-based violence	55. In order to achieve these broad goals, the operation's tasks would include the following: C. (v) To ensure an adequate human rights and gender presence capacity, and expertise in Darfur in order to contribute to efforts to protect and promote human rights in Darfur, with particular attention to vulnerable groups; (vi) To assist in harnessing the capacity of women to participate in the peace process, including through political representation, economic empowerment and protection from gender-based violence.		15. *Demands* that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and requests the Secretary-General to ensure, as appropriate, that resolutions 1325 (2000) and 1820 are implemented by UNAMID.
Addressing the special protection and assistance needs of children	55. In order to achieve these broad goals, the operation's tasks would include the following: C. (vii) To support the implementation of provisions included in the Darfur Peace Agreement and any subsequent agreements relating to upholding the rights of children.		