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Protection of Civilians

**Delivering on the Mandate through Civil-Military
Coordination**

Cover Photo: UN Photo/Marie Frechon

UN Peacekeeper Provides Security around IDP Camp

Titel	Skydd av civila: att leverera på mandatet genom civil-militär samverkan
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Sammanfattning

Under det senaste decenniets konflikter så har majoriteten av dödade varit civila. Detta har lett till att ökat utrymme getts frågan om skydd av civila (protection of civilians) och att FN nu mera tenderar att inkludera skydd av civila i mandaten för fredsfrämjande insatser.

Med hänsyn till den brist på metoder och riktlinjer för hur skydd av civila implementeras i praktiken så har denna rapport studerat hur civil-militär samverkan på den operativa och taktiska nivån kan användas för att stärka skyddet av civila. Rapporten är uppdelad i två delar, en som behandlar den konceptuella utvecklingen kring skydd av civila och en som, genom fallstudier, granskat den praktiska tillämpningen av skydd av civila.

I del I granskas konceptuella aspekter av skydd av civila, samt relaterade principer och koncept liksom deras framväxt.

Del II baseras på en rad fallstudier från FN missioner inklusive MONUC, UNMIL, UNOCI, UNMIS och UNAMID. Denna del granskar hur skydd av civila har manifesterats i mandaten för dessa insatser samt hur FN:s fredsfrämjande insatser har använt sig av civil-militär samverkan för att leverera på mandat för skydd av civila.

Från fallstudierna har rapporten sökt dra lärdomar (s.k. lessons learned), vilka kan vara relevanta för fredsfrämjande aktörer. Dessa rekommendationer centreras på följande aspekter i relation till skydd av civila: operativa riktlinjer; planering; koordinering; utförande; träning och kapacitet samt uppföljning och rapportering

Rapporten avslutas med slutsatser i del III.

Nyckelord: fredsbevarande, skydd av civila, skyldighet att skydda, civil-militär samverkan, Förenta Nationerna, fredsfrämjande insatser

Summary

Over the last decade the majority of victims in armed conflicts have been civilians. As a result, increasing attention has been given to the issue of protecting civilians and the United Nations now generally includes protection of civilians (PoC) in its peacekeeping mandates.

Noting the lack of clear methods and guidelines on how to implement PoC in practice this report investigates how civil-military coordination at the operational and tactical levels can be used to strengthen PoC. It does so in three parts.

In Part I, the conceptual aspects of PoC, related principles and concepts as well as their evolution are explored.

Part II is based on a series of case studies including MONUC, UNMIL, UNOCI, UNMIS and UNAMID. This part explores PoC as it has been manifested in the respective mandates and how UN peacekeeping missions have engaged in civil-military coordination to deliver on the PoC mandate.

From the case studies, the report seeks to extract lessons, which can be of relevance for a wider audience of peacekeeping actors. These recommendations are centred on enhancing the following aspects in relation to PoC: operational guidance; planning; coordination; operational delivery; training and capacities as well as monitoring and reporting.

Part III closes with overall conclusions drawn from the report.

Keywords: peacekeeping; protection of civilians; protection; responsibility to protect; civil-military coordination; United Nations; and peace support operations

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Preface and Acknowledgements

This report has been undertaken within the project “Command and Control in Multifunctional Operations” conducted at the Swedish Defence Research Agency (FOI) on commission from the Swedish Armed Forces. The purpose of the project is to explore how the conditions for command and control are affected by the multifunctional nature of modern peace support operations (PSOs). With this aim in mind, the project has conducted a series of case studies concerning PSOs and multifunctional environments. In addition, the project has explored concepts for harmonizing efforts of civilian and military actors in multifunctional environments. The aim of the current report is to investigate *how civil-military coordination can be used to strengthen protection of civilians* through exploring the nature of the Protection of Civilians concept as well as how civil-military coordination has been used to deliver on this mandate.

The authors would like to thank the respondents to the questionnaire from the missions and countries covered in the case studies. In addition, the authors are grateful for the valuable inputs from, and discussions held with, members of the project team. Finally, the authors are indebted to the insightful comments made by Dr. Benjamin de Carvalho, Senior Research Fellow at the Norwegian Institute of International Affairs (NUPI). Any remaining omissions or errors are solely the responsibility of the authors.

Rapporten i huvuddrag (Executive Summary in Swedish)

Under det senaste decenniets konflikter så har majoriteten av dödade varit civila. Detta har lett till att ökat utrymme getts frågan om skydd av civila (protection of civilians) och att FN nu mera tenderar att inkludera skydd av civila i mandaten för fredsfrämjande insatser.

Med hänsyn till den brist på metoder och riktlinjer för hur skydd av civila implementeras i praktiken så har denna rapport studerat hur civil-militär samverkan på den operativa och taktiska nivån kan användas för att stärka skyddet av civila. Rapporten är uppdelad i tre delar. Del I behandlar den konceptuella utvecklingen kring skydd av civila. Del II granskar genom fallstudier den praktiska tillämpningen av skydd av civila. I del III avslutas rapporten med övergripande slutsatser.

Del I, Konceptuell överblick

I del I granskas konceptuella aspekter av skydd av civila, samt relaterade principer och koncept liksom deras framväxt. Under 1990-talet pågick ett antal väpnade konflikter som medförde stora övergrepp mot civilbefolkningen, vilka ibland utgjorde folkmord. Omvärldens oförmåga att hantera dessa på ett tillfredsställande sätt ledde till tre reformprocesser vilka påverkade hur *det internationella samfundet resonerade kring rättfärdigandet av humanitära interventioner, mandaten för fredsfrämjande insatser samt humanitära insatser*. Utveckling inom dessa tre områden motiverades till stor del av moraliska ställningstaganden, men de har en gemensam juridisk grund i internationell humanitär rätt, mänskliga rättigheter och flyktingrätt. De tre reformprocesserna granskas genom en belysning av principen om *skyldighet att skydda* (Responsibility to Protect, förkortat R2P), konceptet *skydd av civila*, respektive *humanitära förhållningssätt till skydd*.

Skyldighet att skydda (R2P) innebär en skyldighet att skydda befolkningar från folkmord, krigsförbrytelser, etnisk rensning samt brott mot mänskligheten. Medan R2P bekräftar att varje enskild stat har det primära ansvaret för att skydda sin egen befolkning från sådana övergrepp, så grundar sig principen på idén om "suveränitet som skyldighet". Enligt R2P är därför en stats suveränitet avhängig att den lever upp till skyldigheten att skydda sin egen befolkning. Om en stat är ovillig eller oförmögen att tillhandahålla skydd faller därmed skyldigheten att förebygga, reagera och återbygga på det internationella samfundet och därmed främst på FN. Detta kan göras genom att 1) stödja en stat i att skydda dess befolkning; 2) använda lämpliga diplomatiska, humanitära och andra fredliga

medel för att skydda befolkningar; och 3) genom beslutsamma militära interventioner enligt Kapitel VII, om fredliga medel visar sig otillräckliga. R2P innefattar därmed en interventionistisk aspekt som kan rättfärdiga militära humanitära interventioner, vilket skiljer principen från konceptet om skydd av civila.

Skydd av civila har vuxit fram parallellt, och nära kopplat till utvecklingen av R2P principen. Trots detta skiljer sig konceptet om skydd av civila kvalitativt från R2P, eftersom det inte innefattar resonemanget kring rättfärdigandet av interventioner i suveräna stater. Konceptet skydd av civila, vilket saknar definition, fokuserar istället på att tillhandahålla skydd av civilbefolkningen när en fredsfrämjande insatser är på plats. Liksom betonas i denna rapport har betydelsen av skydd av civila vuxit fram gradvis, genom att inkluderas i mandat för fredsfrämjande insatser, FN-resolutioner, uttalanden från säkerhetsrådets president, samt i rapporter från FN:s Generalsekreterare.

Den första FN-resolutionen på skydd av civila (Resolution 1265) skrevs 1999. När skydd av civila explicit har inkluderats i mandat för fredsfrämjande missioner så har ofta hänvisning gjorts till att utföra *nödvändig verkan* för att *tillhandahålla skydd av civila mot överhängande hot om fysiskt våld*. Bortom denna explicita referens, så tenderar dessa mandat även att innefatta att stödja leveransen av humanitär hjälp, skydd och främjande av mänskliga rättigheter, att stödja DDR och SSR processer, så väl som att stödja värdlandets insatser för lag och ordning. Den första FN missionen som fick ett mandat att skydda civila var United Nations Assistance Mission in Sierra Leone (UNAMSIL), vilken etablerades oktober 1999. Efter 1999 kan en ny trend skönjas inom mandaten för FN:s fredsfrämjande insatser. Efter UNAMSIL tills slutet av 00-talet så hade ytterligare nio FN missioner antingen skapats med mandat att skydda civila eller fått ett utökat mandat att skydda civila. Något som karaktäriserat de flesta av dessa mandat är att befogenheten att skydda civila getts under Kapitel VII. Dessa mandat har tre gemensamma formuleringar vilka återfinns i UNAMSIL:s mandat, inklusive fokus på ”civila under överhängande hot om fysiskt våld”, bekräftelsen att det primära ansvaret ligger hos värdnationens regering, genom skrivelsen ”med regeringens ansvar i beaktning”, samt den begränsande klausulen ”inom ramen för kapaciteten och insatsområdet”.

Efter ett decenniums utveckling av mandat för skydd av civila så är det mest signifikanta framsteget en bekräftelse i FN-resolution 1894, att ”skyddsaktiviteter som det givits mandat för ska prioriteras i beslut om användning av tillgänglig kapacitet och resurser”. Denna Resolution konstaterade även behovet av operativa riktlinjer för skydd av civila. Detta resulterade i ett operativt koncept, vilket kategoriserar skydd av civila i tre lager: skydd genom den politiska processen; skydd från fysiskt våld; och skydd genom en beskyddande omgivning.

Humanitära förhållningssätt till skydd innefattar ett försök att se bortom människors direkta materiella behov för att uppmärksamma övergrepp som kan hota människors säkerhet, värdighet och integritet. Dylika övergrepp kan uppstå i ett antal situationer där humanitära aktörer verkar, inklusive konflikt och post-konflikt situationer, naturkatastrofer och svältsituationer samt situationer som präglas av generaliserad och utdragen social konflikt. Civilbefolkningen utsätts i sådana situationer ofta för tre överlappande farhågor, nämligen avsiktligt våld mot personer, samt berövande av och förnekad tillträde till rättigheter, utkomst och resurser. Förutom de extrema risker som detta medför så kan människor som befinner sig i dessa situationer dessutom tvingas ägna sig åt likaledes riskabla och exploaterbara överlevnadsstrategier. Humanitära organisationer har därmed enats om att konceptet skydd av civila för dem ”innefattar alla aktiviteter som syftar till att nå full respekt för individens rättigheter i enighet med andemeningen av relevanta lagar (d.v.s. mänskliga rättigheter, internationell humanitär rätt och flyktingrätt).

Del II, Fallstudier

Del II baseras på en rad fallstudier från FN missioner inklusive MONUC, UNMIL, UNOCI, UNMIS och UNAMID. Denna del granskar hur skydd av civila har manifesterats i mandaten för dessa insatser samt hur FN:s fredsfrämjande insatser har använt sig av civil-militär samverkan för att leverera på mandat för skydd av civila.

Summerade rekommendationer från fallstudierna:

Från fallstudierna har rapporten sökt dra lärdomar (s.k. lessons learned), vilka kan vara relevanta för fredsfrämjande aktörer. Dessa rekommendationer centreras på följande aspekter i relation till skydd av civila: operativa riktlinjer; planering; koordinering; utförande; träning och kapacitet samt uppföljning och rapportering enligt nedan:

Operativa riktlinjer för mandat för skydd av civila

- Säkerställ att befogenheten att tillhandahålla skydd av civila har tydliggjorts i Rules of Engagements, Mission Directives och Standard Operating Procedures (SOPs). Operationaliseringen av denna befogenhet bör utvecklas i en integrerad strategi för skydd av civila med tydligt definierade roller mellan olika aktörer. Med anledning av vikten av interventioner relaterade till lag och ordning i situationer där det huvudsakliga hotet utgörs av civil instabilitet snarare än av väpnade aktörer, är det viktigt att SOPs är tydliga mellan militära och polisiära aktörer. SOPs kring skydd av civila bör även innefatta hur information

ska hanteras i relation till människorätts- och humanitära aktörer för att maximera informationsutbytet utan att äventyra säkerheten eller underrättelseintegriteten;

- Utveckla tydliga riktlinjer för prioritering mellan motstridande uppgifter, lager av skydd och mellan kort- och långsiktiga målsättningar i situationer där spänning mellan dessa kan uppstå.

Planering

- En allomfattande ansats till skydd av civila under planeringsprocessen underlättar säkerställandet av nödvändig kapacitet för att utföra mandat för skydd av civila. Sådan planering kan underlättas genom stärkt koordinering med civila aktörer innan deployering, t.ex. genom gemensam analys av aktiviteter för skydd av civila. För att operationalisera mandat för skydd av civila är det viktigt att upprätta en gemensam strategi för detta ändamål, där civila aktörer involveras samtidigt som en flexibel hållning bör eftersträvas för att inte äventyra humanitära principer;
- Ge utrymme åt skydd av civila inom ramen för kortsiktiga planer respektive transitionsplaner som bereds gemensamt med civila aktörer (t.ex. Integrated Strategic Framework som bereds i FN missioner som agerar i områden sida vid sida med civila FN organ).

Koordinering

- Utveckla missionsspecifika koordineringsmekanismer. Både inom fredsfrämjande missionen och mellan missionen och existerande skyddsforum i landet (t.ex. s.k. Protection Clusters), samtidigt som lyhördhet tillämpas inför humanitära principerna om humanitet, neutralitet och opartiskhet. Detta kan innebära att närvara vid Protection Clustermöten eller att fredsfrämjande missionen, när detta efterfrågas av civila aktörer, tar på sig delat ledarskap för dylika forum tillsammans med den civila organisationen som leder clustret i landet (t.ex. UNHCR). Samtidigt som flexibilitet bör upprätthållas, så bör dylik koordinering identifiera roller och ansvar i relation till skydd av civila samt tydliggöra besluts- och informationskedjan, d.v.s. vem som rapporterar till vem. Säkerställ även att missionsstrukturen lämpar sig för koordinering av internationellt stöd för skydd av civila. Detta innefattar bland annat stödstrukturer för: att upprätta strategiska planer för skydd av civila; organisationsövergripande koordinering kring skydd av civila; påverkansarbete för att säkerställa snabb respons till övergrepp; tidsenlig informationsdelgivning; samt kapacitetsbyggande inom området skydd av civila;

- Forum för skydd av civila bör sträva efter representation från såväl fredsfrämjande missionen som civila FN organ och NGO:er. Regerings/myndighets representation bör vara villkorad att de accepteras som befrämjande för skydd av civila;
- Klargör vad som kan förväntas av och vilka begränsningar som finns för militära resurser i relation till skydd av civila för att undvika onödiga missförstånd, att skapa en falsk trygghetsuppfattning, samt underlätta koordinering mellan olika parter.

Utförande

- Säkerställ att kopplingar finns mellan säkerhetsstyrkors aktiviteter och civila hjälpinsatser, t.ex. för barn som separerats från stridande grupper eller dem som överlevt sexuella övergrepp. I detta sammanhang är det även viktigt att undersöka möjligheterna att använda existerande strukturer i samhället, vilka ofta redan stöds genom utvecklings- eller humanitära insatser, utan att utsätta civila för ökad fara;
- Utveckla insatsspecifika förvarningssystem (d.v.s. s.k. early-warning system) vilka möjliggör för civila aktörer att underrätta fredsfrämjande insatser om nya hot eller områden där civila kan utsättas för ökad risk.

Träning och kapacitet

- Säkerställ att skyddsteam innefattar heltäckande förståelse för skyddsfrågor (d.v.s. att teamets gemensamma expertis inte begränsas till endast t.ex. barns rättigheter, gender eller andra fokusområden). Skyddsteam bör även inkludera högt rankade medlemmar som har tillgång till missionens ledningsnivå;
- För bedömningsmissioner som granskar mandaten för fredsfrämjande operationer (t.ex. s.k. Technical Assessment Missions) bör civila (experter på skydd av civila) ingå för att säkerställ att dessa behov täcks;
- Gemensamma övningar, inte enbart med militär och polis, utan även med civila aktörer;
- Skydd av civila ställer krav på militära kapaciteter för ökad mobilitet, t.ex. genom mobila team och luftburen taktisk transport. Det kan även finnas behov av s.k. over-the-horizon kapacitet, där robust förstärkning kan tas in utifrån på kort varsel när hot mot civila ökar, eller när engagemang i detta skydd utsätter insatsstyrkan på plats för ökat hot;
- I situationer där bristfällig lag och ordning skapar större utmaningar för skydd av civila än vad stridande grupper gör, finns stora behov av polisiär kapacitet. I de fall där militären kan förväntas engagera sig i

dylika situationer, t.ex. genom att stödja vid upplöpp, är det viktigt att de fått träning i sådana icke-traditionellt militära uppgifter;

- För att säkerställa att militära operationer planeras och implementeras med skydd av civila i åtanke krävs att fredsfrämjande personal på alla nivåer har utbildning inom skydd av civila och mänskliga rättigheter. Givet vikten av att koordinera och samverka med civila aktörer för att leverera skydd till civila krävs även en förståelse för civil-militär samverkan.

Uppföljning och rapportering

- Regelbunden rapportering om skydd av civila bör ske, inklusive om hot mot civila, implementeringen av skydd av civila, samt beskrivning av uppföljning, rapportering och planeringsaktiviteter. Därtill bör koordineringsmekanismer för skydd av civila beskrivas. Sådan rapportering om skydd av civila bör ingå i rapporteringen till högkvarteret (t.ex. från SRSG:n i FN:s fredsfrämjande missioner);
- Bedömningsmissioner (T.ex. Technical Assessment Missions), bör granska koordineringsbehoven i relation till skydd av civila samt fördelningen av roller och ansvar i relation till detta skydd;
- Genomför regelbunden genomgång eller dialog mellan fredsfrämjande missionen och civila aktörer hur skydd av civila kan stärkas;
- Vid behov (t.ex. där otillräckligt stöd för skydd av civila givits i mandat, eller där kapacitet eller koordineringsstrukturer saknas) bör skyddsaktörer (t.ex. Protection Cluster) använda sig av lämpliga kanaler för att kommunicera detta behov av stärkt skydd av civila till högkvarteret (t.ex. genom den s.k. Expert Group on Protection of Civilians).

Del III, Slutsatser

Bortom de lärdomar som fallstudierna visat på kan ett antal värdefulla observationer göras från och den konceptuella och policyutvecklingen relaterat till skydd av civila. Dessa observationer kan, liksom lärdomarna i kapitlet ovan, vara relevanta för en bredare grupp fredsfrämjande aktörer, inklusive nationella aktörer som Försvarsmakten.

För det första kan konstateras att, med anledning av det uppmärksammade behovet av koncept för hur skydd av civila ska operationaliseras, och de försök till detta som gjorts av FN, kan nationella aktörer dra nytta av att lära från dessa

försök samt av att **utveckla operativa riktlinjer eller doktriner för skydd av civila.**

För det andra så framstår det i den konceptuella utvecklingen av **skydd av civila att detta inte enbart är en militär uppgift. Snarare kräver den en heltäckande ansats, där militära aktörer ofta behöver understödja civilt ledda uppgifter.** Detta behov uppstår i och med den bredare förståelsen av säkerhet och skydd av civila vilken sträcker sig bortom rent fysiskt skydd.

För det tredje så har FN, i linje med insikten av vikten av en heltäckande ansats till skydd av civila, förordat **heltäckande gemensamma strategier för skydd av civila**, genom gemensam planering, och tydliggörande av ansvars och rollfördelning i relation till skydd av civila. Dyliga försök att skapa synergier och undvika duplicering bör vara särskilt angelägna givet den unika möjligheten att finna samsyn mellan civila och militära aktörer i relation till målsättningar för skydd av civila.

Slutligen så uppmärksammas att givet den moraliska vikten av skydd av civila för fredsfrämjande operationers vara, samt vikten av detta skydd för att upprätthålla legitimiteten av en insats, så har FN fastställt att **skyddsaktiviteter som givits mandat måste prioriteras vid beslut om användandet av kapacitet och resurser** vid implementering av mandat.

1 Introduction

Over the last decade, no region of the world has been untouched by armed conflict. Most of these conflicts have been within, rather than between, states and the majority of victims have been civilians.¹ Since 1990, almost 4 million people have died in war, 90 per cent of them being civilians, and over 18 million have left their homes as a result of conflict.² Forced population displacement continues to be either a by-product, or part of a deliberate strategy, of conflict.³ In general, civilian casualties in conflict are also the result of deliberate targeting as a means of warfare rather than being indirect victims of armed conflict.⁴

As a result, increasing attention has been given to civilian suffering and the issue of protecting civilians.⁵ United Nations Peacekeeping mandates now generally include protection of civilians (PoC) mandates and approximately 90 per cent of UN peacekeeping troops operate in missions with PoC mandates.⁶

Despite the development of PoC, civilians still, more than 10 years after the initiation of the process, account for the vast majority of casualties in conflicts. While this conceptual development is essential, it contains a limited value if not implemented in practice.⁷ One problem, as noted in the literature time and again, is that there is a lack of clear methods and guidelines on how to implement protection of civilians in practice and whom to protect from what.⁸ The lack of an operational definition of PoC makes the concept hard to describe. It also impedes the ability to identify possible activities that could be considered protection tasks.⁹

¹ Council of the European Union (2003), 10881/03, A Secure Europe in a Better World, available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

² *Ibid.*

³ Security Council S/2004/431, p. 2.

⁴ Lie (2008), p. 10.

⁵ *Ibid.*, p. 11.

⁶ Holt, Victoria & Taylor, Glyn & Kelly, Max (2009), p. 153). See also Martinelli, Marta (2008), *The Protection of Civilians During Peacekeeping Operations*.

⁷ Security Council Report (2009), p 2; Security Council S/2009/227.

⁸ See e.g. Holt & Berkman – *The Impossible Mandate?*, p. 182; Holt, Taylor, Kelly (2009) Page: 98; Martinelli, Marta (2008), *The Protection of Civilians During Peacekeeping Operations*, European Parliament: Brussels, p. 6; Lie, J. H.S., and B. de Carvalho (2008) *A Culture of Protection? Perceptions of the Protection of Civilians from Sudan*, Oslo: NUIP, p. 3; Bennet, Nicki (2009), *International Peacekeeping Missions and Civilian Protection Mandates – Oxfam's Experiences in Sudan, the Democratic Republic of Congo, Chad and Somalia*, Conference Paper, Oxfam.

⁹ Lie, de Carvalho (2008), p. 8.

By examining operational approaches to protection of civilians from a civil-military coordination point of view, this report seeks to add valuable insight into how the delivery on the PoC mandate could better be conducted.¹⁰

This study is a part of the project “Command and Control in Multifunctional Operations” conducted at the Swedish Defence Research Agency (FOI) on behalf of the Swedish Armed Forces. The purpose of the project is to explore how the conditions for Command and Control are affected by the multifunctional nature of modern peace support operations.

1.1 Aim and Research Questions

The aim of the study is to investigate *how civil-military coordination can be used to strengthen protection of civilians* through exploring the nature of the Protection of Civilians concept as well as how civil-military coordination has been used to deliver on this mandate.

In order to achieve this aim, the study asks the following research questions:

- Has civil-military coordination at the operational field-level been used to deliver on protection of civilians mandates?
- How has civil-military coordination at the operational field-level been used to deliver on protection of civilians mandates?
- Has civil-military coordination contributed to the protection of civilians?

These research questions feed into the overarching question of how civil-military coordination can strengthen protection of civilians.

1.2 Method and Scope

This study is based on a combination of desk research, including primary and secondary sources, as well as an open ended questionnaire.

The desk research consisted of the study and analysis of a wide range of academic and policy literature produced on protection of civilians, peacekeeping operations and the concepts of Responsibility to Protect, protection of civilians and protection more broadly.

¹⁰ It should be noted, however, that some writers have noted that meeting the challenges of PoC has not been made easier with the emerging emphasis on the need for coordination and integration of efforts. See e.g. Lie and de Carvalho (2008) who note that the “vast divergence of organisational culture and mandate among protection actors have critical implication for the formation of a culture of protection and largely hamper the possibility of establishing a coherent protection culture and a holistic approach to the practicalities of PoC” (source: Lie, J.H.S and B. de Carvalho (2008), p. 16).

The literature review was complemented by primary sources in the form of UN Security Council Resolutions, Presidential Statements from the UN Security Council, Secretary General's Reports on the issue of Protection of Civilians as well as a review of the actual mandates of the respective missions covered by the study.

Finally, in order to get more in-depth understanding, and examples, of how civil-military coordination has been employed in the pursuit of protection of civilians, questionnaires were issued to the respective UN Peacekeeping Missions and Humanitarian Country Teams or Protection Clusters in the respective mission areas. An indicative list of questions is presented in Annex A.

In terms of the focus on protection of civilians, the study centres in *protection from physical violence*, and thereby largely leaves out the wider aspects of *protection through the political process* as well as *protection through a protective environment*. The former has been excluded since this aspect of protection of civilians is difficult to distinguish from the overall aim of most peacekeeping missions – to support a peace agreement or political process. Aspects of the latter, such as DDR, SSR and RoL have been excluded since they are widely covered in the literature. While important, the closely linked issues of abuses committed by peacekeeping personnel and other unintended consequences have equally been left out with reference to existing literature.¹¹

Noting that the UN is seen as having progressed further in its approach to Protection of Civilians, this report has limited its scope to peacekeeping operations carried out by the UN.¹² Given the focus of the study, the cases are further limited to those missions with a mandate to protect civilians under Chapter VII.¹³ In view of the efforts to access primary sources through

¹¹ See e.g. Aoi, Chiyuki, Thakur, Ramesh Chandra, De Coning, Cedric. (eds.). *Unintended Consequences of Peacekeeping Operations* (New York: United Nations University Press, 2007); Hull C. et al. (2009), *Managing Unintended Consequences of Peace Support Operations*, FOI: Kista.

¹² Indicative of this is e.g. that approximately 90% of UN peacekeeping personnel are serving in missions mandated to protect civilians (Holt, Victoria & Taylor, Glyn & Kelly, Max (2009), p. 153). See also Martinelli, Marta (2008), *The Protection of Civilians During Peacekeeping Operations*, European Parliament: Brussels, who draws in particular on UN experience of PoC to offer guidelines on how to conduct it within an EU framework. Martinelli (2008) also points out that NATO doctrine does not specifically mention "civilian protection" despite the Organization's evident willingness (p. 19). Nevertheless, this is not to suggest that other organizations are not engaged in Protection of Civilians. For example, the African Union is unique in that it incorporates a version of the responsibility to protect in its charter. The EU has also demonstrated an operational readiness to take on protection of civilians' mandates, but Martinelli (2008) points out that its reliance on a lead nation, makes possible lessons learned harder to access, as these are likely to be collected by the leading nation, rather than being incorporated as EU lessons learned.

¹³ I.e. a more forceful UN Peacekeeping mandate, recognising that the situation threatens international peace and security and authorising the mission to use force to restore peace and security.

interviews or emailed questions, only ongoing missions are included among the case studies. Finally, among this list, two missions have been excluded: MINUSTAH, in view of the significantly changed focus of the mission due to the earthquake that struck Haiti in 2010, and MINURCAT, due to the regional focus of the mission, which makes it distinct from other missions. With these delimitations in mind the remaining list of peacekeeping operations relevant for this study includes: MONUC, UNMIL, UNOCI, UNMIS and UNAMID.

In terms of civil-military coordination, the focus has been on operational field-level coordination, in view of the recognised lack of operational guidance for delivering on the protection of civilians mandates.

It is important to note that the current report does not make any claims on assessing the success or failure to deliver on PoC mandates of the missions included in the case studies. Neither should the report be seen as a comprehensive account of how the missions have implemented PoC mandates, as it is limited to materials available to the authors at the time of writing. Instead, the report seeks to extract lessons from available information from ongoing missions, many of which have not undergone formal evaluation processes. In view of this, the recommendations should be read as non-exhaustive, non-validated recommendations for consideration depending on the unique requirements of specific missions.

1.3 Outline

This report is structured in three parts. Following this introduction, Part I opens with an overview, in chapter 2, of the concept of protection of civilians as it has evolved in tandem with the related, but qualitatively different principle of the Responsibility to Protect (R2P) as well as the humanitarian notions of protection. This part closes with an account for how civil-military coordination in relation to PoC is envisaged in related policies. Part II includes five case studies including MONUC (chapter 3), UNMIL (chapter 4), UNOCI (chapter 5), UNMIS (chapter 6) and UNAMID (chapter 7). These case studies seek to extract how civil military coordination has contributed to the delivery on protection of civilians mandates in the respective missions. From the case studies, the report seeks to extract lessons, which can be of relevance for a wider audience of peacekeeping actors. These recommendations are centred on enhancing the following aspects in relation to PoC: *operational guidance*; *planning*; *coordination*; *operational delivery*; *training and capacities* as well as *monitoring and reporting*.

The report then closes with a concluding discussion in Part III.

PART I Conceptual Overview

This first part of the report provides a conceptual overview of the concept of protection of civilians as it has evolved, closely linked to the related, but qualitatively different principle of the Responsibility to Protect. It also provides an introduction to the humanitarian definition of protection and explores some of the concepts on civil-military coordination as they relate to protection of civilians.

2 The Concept of Protection

Following a number of violent conflicts, which were accompanied by large scale atrocities, sometimes amounting to genocide, and failures by the international community to respond to these in a satisfactory manner in the 1990s, three parallel reform processes started which were to affect the *reasoning behind the justification for humanitarian interventions*, the *mandates of peacekeeping operations* and as well as *nature of humanitarian responses*. While the focus of this report is on the implementation of PoC aspects of mandates of peacekeeping operations, and not on justifications for interventions, the process leading to their adoption still shares much with the evolving justification for humanitarian interventions. Similarly, in view of the lack of conceptual clarity regarding protection of civilians and the roles and responsibilities it entails, it is important to understand the evolving nature of humanitarian responses.

While these three developments were largely driven by moral sentiments, they share the legal foundation in International Humanitarian Law, Human Rights Law and Refugee Law.¹⁴ Further, International Humanitarian Law (IHL) advocates emphasis on the fact that it is the individual state that has the primary responsibility when it comes to protection of its citizens. IHL sets the minimum standards of protection and is applicable to situations where civilians are most at risk. One of the most important parts of IHL is that it demands that belligerents respect the principles of distinction between combatants and non-combatants.¹⁵

2.1 Responsibility to Protect

The first reform, i.e. the reasoning behind the justification for humanitarian interventions, is best portrayed by shedding some light on the evolution of the broader principle of Responsibility to Protect (R2P).

2.1.1 Definition of R2P

The R2P implies a responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In line with the principle of sovereignty, R2P reaffirms that each individual state has the primary responsibility to protect its populations from such atrocities. However, should a state fail in its responsibility, either by intent (not being willing) or inability (not being able) to protect its populations, the international community, through the

¹⁴ Security Council S/RES/1894, p. 1.

¹⁵ OCHA (2003) Special report: Civilian Protection in armed conflict.
<http://www.irinnews.org/pdf/in-depth/Civilian-Protection-in-Armed-Conflict.pdf> Used: 2010-02-01.

United Nations, has the responsibility to 1) assist the government to protect its populations, 2) use appropriate diplomatic, humanitarian and other peaceful means to help protect populations, and 3) take decisive military action in accordance with Chapter VII, should peaceful means be inadequate.¹⁶

2.1.2 Evolution of R2P

The conflicts in Rwanda (1994) and Srebrenica (1995), which amounted to genocide and ethnic cleansing respectively, while UN Peacekeepers stood by helplessly, led to increasing calls for robust peacekeeping for the protection of civilians in armed conflict. This also left the conscience of many international actors scarred, with reiterated promises never to stand idly by and let such atrocities happen again. Yet, the fact that much of the world order is structured around the traditional non-intervention concept of sovereignty, which had posed a great challenge to earlier ambitions to end mass atrocities, remained.

In 1998, this concern was manifested in the UN Secretary-General's report on the *Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, where Secretary-General Kofi Annan termed the protection of civilians in conflict situations a 'humanitarian imperative'.¹⁷ The Secretary-General reiterated his calls for a solution to the apparent contradiction between sovereignty and protection of civilians at the General Assembly in 1999 and in 2000, when he posed the question,

*"if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity."*¹⁸

As a response to this question, the *International Commission on Intervention and State Sovereignty* was set up. This Commission published its report, *The Responsibility to Protect*, in December 2001. The ultimate question this report sought to answer was "when, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state".¹⁹ The answer put forward by the report, which came to influence the outcome of the World Summit, was that state sovereignty implies that the primary responsibility for the protection of its people lies with the state itself, but that where a population is suffering serious harm as a

¹⁶ United Nations General Assembly (2005), A/RES/60/1, *2005 World Summit Outcome*, p. 30.

¹⁷ UN SG's Report on the Situation in Africa 1998 (S/1998/318 or A/52/871).

¹⁸ Secretary General Kofi Annan quoted in ICISS (2001) *The Responsibility to Protect: Report of the Commission on Intervention and State Sovereignty*, International Development Research Centre: Ottawa, p. vii.

¹⁹ ICISS (2001) *The Responsibility to Protect: Report of the Commission on Intervention and State Sovereignty*, International Development Research Centre: Ottawa.

result of a state's unwillingness or inability to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (R2P).²⁰ In essence, the principle of R2P therefore rests on the notion of "sovereignty as responsibility" meaning that a state's sovereignty is conditioned on it fulfilling its responsibility to protect its own civilian population. If the government is unwilling or unable to provide protection, the responsibility to *prevent, react* and *rebuild* falls on the collective international community and predominantly on the UN.²¹

It is important to note that the principle of R2P came to distinguish itself from other, earlier approaches to humanitarian intervention. Whereas earlier approaches were seen strictly as coercive military interventions for humanitarian purposes, R2P is about taking preventive action at the earliest possible stage and emphasizes the importance of non-military measures (including political, diplomatic, legal, economic and security dimensions). It further stresses that coercive military intervention is a last resort.²² However, noting that the concept requires either actual or *apprehended* large-scale loss of life or ethnic cleansing, the principle of last resort still allows for coercive military action before the crimes have been committed and before all other means have been *de facto* exhausted.²³ Notably, despite the opening question of the report of when it is appropriate to take coercive force, it is noteworthy that by stressing the importance of prevention and non-military means, the final product, enshrined in the R2P principle is as much about *how* to engage when delivering on the responsibility to protect.

The principle of R2P met with general endorsement at the UN World Summit in September 2005 and in 2009 Secretary-General Ban Ki-Moon presented the report *Implementing the responsibility to protect*.²⁴ This report breaks the R2P into three pillars: state responsibility; assistance to states; and timely and decisive action by the international community.

²⁰ ICISS (2001) *The Responsibility to Protect: Report of the Commission on Intervention and State Sovereignty*, International Development Research Centre: Ottawa.

²¹ Lie (2008) p. 13.

²² Evans, Gareth (2008), *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*, Brookings Institution: Washington D.C.

²³ See e.g. presentation by Edward Luck, United Nations Special Adviser on Responsibility to Protect, who stresses that faced with the alternative that actual large-scale loss of life could occur, it suffices if an assessment is made on thorough grounds that other means would fail. Source: <http://www.fhs.se/upload/OmForsvarshogskolan/organisation/iss/folkkrattscentrum/webcasts/2009/responsibility-to-protect091111/03-edward-luck.mov> (accessed on 5 March, 2010).

²⁴ United Nations General Assembly (2009), *Implementing the responsibility to protect: Report of the Secretary-General*, A/63/677.

2.2 Protection of Civilians in Peacekeeping

The second reform, i.e. the changing nature of mandates of UN Peacekeeping operations to incorporate Protection of Civilians, has evolved in parallel, and closely linked, to the development of the R2P principle. In this regard it is important, though, to emphasize that the concept of PoC is qualitatively distinct from the principle of R2P, in that it does not share the same reasoning around when to intervene in another country. Instead, the concept of PoC, which does not have a single definition, focuses on awarding protection to civilians once a mission is deployed. The meaning of PoC has gradually taken shape through its inclusion in mandates, UNSC Resolutions, UNSC Presidential Statements and Secretary-General's Reports on PoC.²⁵

When Protection of Civilians (PoC) is explicitly included in UN Peacekeeping mandates, it usually includes reference to taking necessary action to afford protection to civilians under imminent threat of physical violence. Beyond this explicit reference, such mandates tend to include reference to facilitating the delivery of humanitarian assistance, the protection and promotion of human rights, assisting in DDR and processes as well as supporting national efforts to maintain law and order.

As with the Responsibility to Protect, the inclusion of Protection of Civilians in UN Peacekeeping operations was inspired by the aforementioned atrocities. But more than this, it was influenced by flagrant violations of international humanitarian law and the consequential exposure to risks by civilian populations during times of conflict. In 1999, the UNSC therefore issued a Presidential Statement expressing

*“its grave concern at the growing civilian toll of armed conflict and notes with distress that civilians now account for the vast majority of casualties in armed conflict and are increasingly directly targeted by combatants and armed elements.”*²⁶

The statement called on the UN Secretary-General to submit a report containing concrete recommendations to the Council on ways the Council could improve the physical and legal protection of civilians in situations of armed conflict.²⁷

The subsequent Secretary-General's Report highlighted recommendations of particular importance divided into three categories. The first category pertained to *strengthening the capacity of the UNSC and the UN to protect civilians in*

²⁵ Lie and de Carvalho (2008, p. 7) note that “the aim of PoC is – rather than providing an exhaustive list or to provide a once [sic] size fits all format – to nurture a ‘culture of protection’”.

²⁶ United Nations Security Council (1999), *Statement by the President of the Security Council*, S/PRST/1999/6, p. 1.

²⁷ *Ibid.*, p. 3.

armed conflict and included strengthening the Organization's capacity to plan and deploy missions with enhanced police, civil administration and humanitarian capacities rapidly, as well as the establishment of a technical review mechanism for sanctions. The second category was related to *options for action upon receipt of information that an outbreak of violence aimed at civilians might be imminent* and included the imposition of arms embargoes and targeted sanctions, deployment of preventive peacekeeping or monitoring presence, including possible military observers to camps. The final category intended to *alleviate suffering of civilians in situations where conflicts have already broken out and civilians are being targeted*. This category included recommendations to enhance humanitarian access, address issues of hate media and, finally, in the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. For the last recommendation, the Council was requested to consider the following:²⁸

1. the scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations;
2. the inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;
3. the exhaustion of peaceful or consent-based efforts to address the situation;
4. the ability of the Security Council to monitor actions that are undertaken; and
5. the limited and proportionate use of force, with the attention to repercussions upon civilian populations and the environment.

In response to this, in 1999, the Security Council issued its first Resolution (1265) directly related to the protection of civilians, in which it gave its support to a number of the recommendations and set out to follow up on the full list by the following year.²⁹ With the ongoing conflict, at the time, in Sierra Leone, these developments were reflected in the mandate issued to the United Nations Assistance Mission in Sierra Leone (UNAMSIL), which was established in October 1999. The Mandate, which made reference to both the Secretary-General's Report from 1999 and UNSCR 1265, was the first of its kind for a UN Peacekeeping mission. It established that the UNSC,

“[a]cting under Chapter VII of the Charter of the United Nations, decides that in the discharge of its mandate UNAMSIL may take the necessary

²⁸ United Nations Security Council (1999), S/1999/957, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*.

²⁹ United Nations Security Council (1999), S/RES/1265.

*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... ”.*³⁰

Prior to 1999, United Nations Peacekeeping mandates typically included the phrases: “to promote a secure and stable environment” and “protection of the own personnel”³¹ in accordance with the chapter VI standard that existed. In Security Council Resolution 1296 on PoC that followed in 2000, the UNSC affirmed its intention to ensure that peacekeeping missions are given suitable mandates and adequate resources to protect civilians under imminent threat of violence. This Security Council Resolution noted that

“the deliberate targeting of civilian populations or other protected persons and the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security.”

Since the UN Security Council (UNSC), according to the UN Charter VII, article 39, may disregard the principle of sovereignty and non-intervention if the situation is defined as a threat to international peace and security, this was an important strengthening of the PoC.³² In such situations the UNSC is allowed to use force to restore peace.³³

In fact, after 1999 and the formulation of the PoC concept, a new trend in the mandates of UN Peacekeeping operations can be seen. From the inception of UNAMSIL until the end of the decade, another nine UN Missions had either been created with PoC as a mandate, or had PoC added to their mandates through mandate-reinforcements.³⁴ Characteristic for most of these mandates has also been the authorization of PoC under Chapter VII.³⁵

These mandates have shared three key aspects of the wording used in the first mandate issued to UNAMSIL, including the focus on “civilians under imminent threat of physical violence”, the acknowledgement of the primary responsibility of the host government, worded “taking into account the responsibility of the

³⁰ United Nations Security Council (1999), S/RES/1270. §14, p. 3.

³¹ Holt and Berkman (2006), p. 85.

³² *Ibid.*, p. 25; Security Council S/1999/957.

³³ Björkdahl & Strömvik (2008), p. 21.

³⁴ The ten UN Peacekeeping Missions with protection of civilians included in their mandates include UNAMSIL, UNMIL, UNOCI, UNFIL, MINURCAT, MONUC, UNMIS, UNAMID, MINUSTAH and ONUB. Source: <http://www.un.org/en/peacekeeping/> (Accessed on 4 April, 2010).

³⁵ Holt and Berkman (2006), p. 5. Of the ten peacekeeping missions listed in the note above, only UNFIL operates without a Chapter VII mandate. Source: <http://www.un.org/en/peacekeeping/> (Accessed on 4 April, 2010).

Government...” and finally, the limiting caveat “within its capabilities and areas of deployment”.³⁶

During the same decade, another seven Presidential Statements³⁷ were made on Protection of Civilians, six Secretary-General’s Reports³⁸ were delivered to the UNSC and another three UNSCR³⁹ on the PoC were issued. To support this process an Aide Memoire was issued by OCHA, first in 2002 and later revised in 2009.⁴⁰ These efforts were complemented by specific UNSCRs on the special needs, and protection, of women, children, refugees and internally displaced persons. Finally, specific resolutions on disarmament, demobilisation and reintegration as well as the restoration of the rule of law lend further protection to civilians.

Among the additions made to the PoC concept and mandate guidance through these Reports, Statements and Resolutions, UNSCR 1894 stands out by stressing that

*“mandated protection activities must be given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of mandates.”*⁴¹

While this conceptual development is promising, a decade after the first resolution on PoC, practical implementation on the ground is still far behind. In the Secretary-General’s report on PoC from 2005, he noted the need for an understanding of how the roles and responsibilities of all relevant actors are to be implemented in practice.⁴² The conceptual progress will be of limited value if not successfully implemented on the ground,⁴³ and thus the UN (through Security Council Resolution 1894) in 2009 established that there is a need for operational guidance on PoC.⁴⁴ The Secretary-General responded by delivering a draft Operational Concept for the implementation of Protection of Civilians, which

³⁶ The caveat “within capabilities and area of deployment” is a provision recognizing that peacekeeping missions have finite resources, and is not able to respond to all protection requirements in the total area of operations. (Source: DPKO/DFS lessons learned note on the protection of civilians in UN peacekeeping operation: dilemmas, emerging practices and lessons.)

³⁷ United Nations Security Council Presidential Statements: S/PRST/2002/6; S/PRST/2002/41; S/PRST/2003/27; S/PRST/2004/46; S/PRST/2005/25; S/PRST/2008/18; S/PRST/2009/1.

³⁸ United Nations Secretary-General’s Reports: S/2001/331; S/2002/1300; S/2004/431; S/2005/740; S/2007/643; S/2009/277.

³⁹ United Nations Security Council Resolutions: S/RES/1674 (2006), S/RES/1738 (2006) and S/RES/1894 (2009).

⁴⁰ UN Security Council (2002), Statement by the President of the Security Council, S/PRST/2002/6, Annex, and OCHA (2009), *Aide Memoire: For the consideration of issues pertaining to the protection of civilians in armed conflict*.

⁴¹ United Nations Security Council (2009), S/RES/1894.

⁴² Security Council S/2005/740, p. 15.

⁴³ Security Council S/2009/277, pp. 1-3.

⁴⁴ *Ibid.*, p. 6.

was presented to the Special Committee on Peacekeeping. This Operational Concept, which was yet to be tabled at the Security Council for its consideration at the time of writing, categorizes PoC into three tiers as set out below.

2.2.1 Three Tiers of Protection of Civilians

The draft operational guideline for PoC which was prepared in 2010, lists three tiers of PoC: *protection through the political process*; *protection from physical violence*; and *protection through a protective environment*. These three tiers should be mutually accommodated in a simultaneous manner and the different activities in the tiers are interconnected and should be taken forward simultaneously for them to be as effective as possible.⁴⁵ While the protection of civilians under imminent threat of physical violence perhaps is more important in direct conflict situations the protective environment could be more important in a stabilization/peace process, thus complementing each other.⁴⁶

2.2.1.1 Protection through the Political Process

Awarding protection through the political process is inherently linked to the mission's overarching mandate to support the implementation of a peace agreement, or an existing political process. As such, its links to protection of civilians are indirect, and the main difference from traditional focuses of peacekeeping operations to support peace processes is in the explicit recognition of those links. The DPKO/DFS Operational Concept notes that maintenance of peace through an effective peace process is the single largest contribution a mission can make to protecting civilians. This includes efforts such as providing good offices to the parties to a peace agreement, facilitating the process through mediation, providing support to reconciliation processes, as well as liaising with the parties to the process and other relevant stakeholders.⁴⁷ In view of the recognition given to the negative impact of abuses of civilians for the chances of sustainable peace, the prevention of the escalation of threats to civilians is the focus of this tier.⁴⁸ However, traditional forms of implementing ceasefire agreements or peace agreements and establishing demarcation lines between warring parties will continue under this tier, as PoC is neither a substitute for political processes aimed at preventing or ending conflict, nor for building sustainable peace.⁴⁹

⁴⁵ Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations.

⁴⁶ Security Council S/2005/740, p. 3.

⁴⁷ Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations.

⁴⁸ *Ibid.*

⁴⁹ Security Council S/2009/227.

2.2.1.2 Protection from Physical Violence

The protection from physical violence, normally referred to in UN mandated missions, includes various elements. The mission can take different levels of *preventive* measures, as well as *respond* to imminent threats to civilians. This requires close coordination between civilian and uniformed components of the mission.⁵⁰

Prevention involves signalling the mission's intent to protect the local population, and to potential aggressors or perpetrators of human rights violations that they will be held accountable. This requires strong engagement with political structures by the mission leadership. It could also include political pressure and liaison with government and non-government armed actors, with a view to deter violence against civilians. For uniformed services, this largely includes anything from standing military or police patrols to tactical deployment to areas where civilians are potentially at risk. Civilian components can include human rights monitoring and reporting and mediation, liaison and advocacy with government and non-government actors as well as early warning measures.

Response should occur when the threat of physical violence to civilians is apparent. This phase could involve inter-positioning of peacekeepers between a vulnerable population and hostile elements or the use of force as a last resort in situations where IHL and HR violations are taking place or are imminent.⁵¹ It also requires heightened, often international, political engagement.

2.2.1.3 Protection through a Protective Environment

The delivery of a protective environment consists of three parts: promotion of legal protection, facilitation of humanitarian assistance and advocacy/support to national institutions. It builds on IHL/HR law and promotes them in the area of deployment and includes the support to local governance structures.⁵² If a military mission would be mandated to facilitate the delivery of humanitarian aid, this might be done through the creation of safe and secure environments or, *in extremis*, directly by supporting the delivery of humanitarian assistance. The police also contribute to this activity by providing route security, security in refugee/IDP camps, as well as public order during relief distributions.⁵³

Three activities that are of importance to a protective environment and with which a mission has to work with include disarmament, demobilisation and

⁵⁰ UN DPKO / DFS (2010), *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, p. 8.

⁵¹ Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations.

⁵² *Ibid.*

⁵³ Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations.

reintegration (DDR), security sector reform (SSR) and rule of law (RoL). These activities are designed to help the state establish a secure and peaceful environment where both the physical security and the rights of individuals are adhered to.

2.3 Humanitarian Protection

2.3.1 Humanitarian Definition of Protection

Among humanitarian actors, different definitions of protection appear, but the most widely accepted wording originates from a workshop on protection held by the International Committee of the Red Cross (ICRC) and reads,

“the concept of protection encompasses all 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. HR law, IHL, refugee law).”⁵⁴

2.3.2 Evolution of Protection through the Humanitarian Reform

The third reform, i.e. the humanitarian reform, influencing the nature of the humanitarian response, was also inspired by harsh realities. For humanitarian actors, there had been a painful realisation that sometimes, they could be part of the problem rather than the solution. After talks had emerged of the “well fed dead”, along with an initiative to “do-no-harm”, calls were raised for approaches to humanitarian actions which were sensitive to conflict dynamics in order not to fuel a conflict or do harm in other ways.⁵⁵ Despite the increased conflict sensitivity among many humanitarian actors, there was a realisation that while some traditional aspects of humanitarian assistance, such as food aid, water and sanitation etc, were being covered rather systematically, others were often left out or handled in an *ad hoc* manner. During the Darfur crisis in 2004, obvious gaps, especially in terms of protection, led the then UN Emergency Response Coordinator to commission an independent Humanitarian Response Review.⁵⁶

The independent review laid the ground work for the humanitarian reform, which was agreed upon by the Inter-Agency Standing Committee (IASC),⁵⁷ and commenced in 2005. This reform set out to address three key issues to improve

⁵⁴ Third Workshop on Protection, Background paper, ICRC (7 January 1999), quoted in IASC (1999), *Protection of Internally Displaced Persons: Inter-Agency Standing Committee Policy Paper*, December, IASC: New York.

⁵⁵ Holt, Taylor, Kelly (2009), p. 36.

⁵⁶ Holt et al. (2009), p. 68.

⁵⁷ IASC is the key inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners.

the efficiency of humanitarian aid, *predictability*, *accountability*, and *partnership*. In order to achieve this, a Cluster Approach was adopted, which entailed the establishment of clarified roles and responsibilities within each thematic focus. One of the key gaps identified, and which was sought to be addressed through the establishment of a designated cluster, was the issue of protection. Arguably, the lack of leadership for the coordination of protection issues in Darfur was one of the driving factors behind the humanitarian reform.⁵⁸ The history of the leadership of protection in Darfur is highly contentious, with UNHCR, the current lead agency, having been reluctant to take on the role.

2.3.3 Humanitarian Approaches to Protection

A protection approach for humanitarian actors involves an attempt to look beyond people's immediate material needs to wider questions of personal safety and dignity. As such, it draws attention to the main violations and abuses that are most likely to threaten people's safety, dignity and integrity as human beings.

Such violations and abuses can emerge in a number of settings where humanitarian actors engage, ranging from conflict and post conflict situations, through natural disasters and famine, to situations of more generalised protracted social conflict. These types of situations tend to expose civilians to the triple dangers of deliberate personal violence, deprivation and restricted access. Examples of violations and deprivations identified are given in Box 1 below. Beyond the extreme levels of risk this entails, people can be forced to engage in equally perilous and exploitative coping or survival strategies.⁵⁹

⁵⁸ Stoddard et al. (2007), *Cluster Approach Evaluation Final*, Submitted by a joint research team to the OCHA Evaluation and Studies Section.

⁵⁹ Slim, Hugo and Andrew Bonwick (2005), *Protection: An ALNAP Guide for Humanitarian Agencies*, ODI, London., p. 23.

Box 1. Examples of violations and deprivations that cause protection needs⁶⁰

- Deliberate killing, wounding, displacement, destitution and disappearance.
- Sexual violence and rape.
- Torture and inhuman or degrading treatment.
- Dispossession of assets by theft and destruction.
- The misappropriation of land and violations of land rights.
- Deliberate discrimination and deprivation in health, education, property rights, access to water and economic opportunity.
- Violence and exploitation within the affected community.
- Forced recruitment of children, prostitution, sexual exploitation and trafficking (including by peacekeepers and humanitarian staff), abduction and slavery.
- Forced or accidental family separation.
- Arbitrary restrictions on movement, including forced return, punitive curfews or roadblocks which prevent access to fields, markets, jobs, family, friends and social services.
- Thirst, hunger, disease and reproductive health crises caused by the deliberate destruction of services or the denial of livelihoods.
- Restrictions on political participation, freedom of association and religious freedom.
- The loss or theft of personal documentation that gives proof of identity, ownership and citizen's rights.
- Attacks against civilians and the spreading of landmines.

As can be seen from the list in Box 1, the violations and deprivations included in humanitarian understanding of protection stretch beyond direct physical violence, to issues such as the dispossession of assets, forced displacements and prostitution as well as denial of citizen's rights through theft of personal documentation.

By looking beyond a simple "aid-only" approach, a protection approach seeks to prevent, alleviate and redress violation and suffering.⁶¹ In terms of protection activities, IASC has categorized three spheres of action in its report, *Growing the Sheltering Tree*.⁶² These include:

- Responsive action: i.e. those undertaken close to the victim of the violation, in connection with an emerging or established pattern of abuse and aimed at preventing its recurrence, putting a stop to it, and/or alleviating its immediate effects;

⁶⁰ Slim, Hugo and Andrew Bonwick (2005), *Protection: An ALNAP Guide for Humanitarian Agencies*, ODI, London., p. 23.

⁶¹ *Ibid.*, p. 14.

⁶² IASC, (2002), *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*. IASC Secretariat: Geneva.

- Remedial action: i.e. those aimed at restoring people's dignity and ensuring adequate living conditions subsequent to a pattern of abuse (through rehabilitation, restitution, compensation and reparation);
- Environment building: i.e. those aimed at creating and/or consolidating an environment – political, social, cultural, institutional, economic and legal – conducive to full respect for the rights of the individual.⁶³

The spheres of activities above are not chronological, but overlap and do not exclude or necessarily contradict one another.

Through its report, the IASC further distinguishes between four modes of action, grouped under two headings – *securing compliance* with obligations to protect individuals or groups exposed to abuse and *providing direct services* to the individuals or groups affected by abuse. Noting that humanitarian actors themselves are often not in a position to directly protect civilians from the type of abuses mentioned above, they tend to rely on humanitarian law to influence responsible authorities to take their responsibilities. The first two modes therefore pertain to securing compliance, which can be pursued either through a *denunciation-mode* operating through public disclosure, or a *persuasion-mode* involving dialogue. The former has been suggested to be particularly relevant when violations are deliberate, whereas the latter is seen as more suitable when there is a will to limit or stop violations. Persuasion can also take place at the local, community level, by trying to influence their sentiments and institutions to respect the humanity and dignity of their fellow human beings.⁶⁴

The provision of direct services, in turn, can be achieved either through a *substitution-mode* or through a *mode of providing support to structures*, at a national or local level.⁶⁵ This could also take the form of working with communities to reduce the exposure of civilians to threats.⁶⁶

Oftentimes, efforts at securing compliance and providing direct services overlap. For example, while an agency might be providing direct assistance, it may indirectly enhance compliance through its presence in an area. In this sense, by being a witness, humanitarian actors can provide “protection through presence”.

⁶³ These aspects of humanitarian protection were initially identified through the work of ICRC in their third workshop on protection in 1999. The three spheres of action were presented graphically and are known as the “egg-model” gravitating outward from the point of violation.

⁶⁴ IASC, (2002), *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*. IASC Secretariat: Geneva.

⁶⁵ *Ibid.*

⁶⁶ Slim, Hugo and Andrew Bonwick (2005), *Protection: An ALNAP Guide for Humanitarian Agencies*, ODI, London, pp. 12-13.

However, it has been noted that humanitarian actors can never ensure true physical protection, if it were to become necessary.⁶⁷

For humanitarian actors a number of strategic risks are involved when engaging in protection. For example, the mere presence of external actors can in some instances expose victims to further risks of punitive action. The protective engagement can also be perceived as biased, thereby eroding the impartiality of humanitarian actors. Linked to this, criticism over violations of human rights can be seen as a politicisation of humanitarian action in the eyes of belligerents and thereby be perceived as a violation of humanitarian impartiality. This may affect the acceptance and security of humanitarian agencies. Oftentimes there is a balance between humanitarian access and advocacy. By voicing a concern over abuses, access to the population with life saving relief may be restricted.⁶⁸

In view of these risks, the general concerns among humanitarian actors in relation to civil-military coordination present real challenges also for coordination in relation to protection. Nevertheless, the importance of coordination in relation to protection has been acknowledged by humanitarian actors. Still there is concern that the actual and perceived principles of humanity, neutrality and impartiality need to be safeguarded.⁶⁹

2.4 Civil-Military Coordination for PoC

As seen above, actors involved in PoC activities, including military actors, inter-governmental organizations and NGOs, tend to have a different understanding and vocabulary for PoC. This is often true, not only between groups but also within each group of actors.⁷⁰ While some authors have argued for a distinction between humanitarian protection and military coercive use of force to protect civilians, they also encourage reflection on ways to harmonise such measures.⁷¹

From the onset of the development of the PoC concept though, a clear recognition has been given to the fact that this is not a military task alone. Indeed the first statement by the president of the UNSC on the matter, made in 1999, concluded that a comprehensive and coordinated approach by member states and international organizations is required in addressing the PoC problem.⁷²

⁶⁷ Derderian K. & L. Schockaert (2009), *The Limits of Humanitarian Protection: a Field-based Perspective from an Humanitarian Organization*.

⁶⁸ Slim, Hugo & Andrew Bonwick (2005), *Protection: An ALNAP Guide for Humanitarian Agencies*, ODI, London, p. 46.

⁶⁹ IASC (2006), *The Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*, 2003, rev. 2006 ("MCDA Guidelines")

⁷⁰ Holt & Berkman (2006), p. 35.

⁷¹ See e.g. Martinelli, Marta (2008), *The Protection of Civilians During Peacekeeping Operations*.

⁷² Security Council S/PRST/1999/6.

In his recommendations for strengthening the protection of civilians that same year, the Secretary-General promoted an increased number of civilian, police and specialized civil administration and humanitarian personnel to protect civilians. Resolution 1265 responded to the Secretary-General's recommendations, by requesting that the Secretary-General make sure that UN personnel have appropriate training in civil-military coordination. It further stressed the importance of UN consultation and cooperation with other organizations, such as ICRC and regional organizations, aimed at enhancing the UN ability to protect civilians.⁷³ In 2000, resolution 1296 further reaffirmed the importance of a comprehensive approach to conflict prevention⁷⁴ and emphasized a case-by-case approach to PoC. In the pursuit of a comprehensive approach, a background paper on the challenges of strengthening the PoC in multidimensional operations emphasized the value of aiming for incorporating (1) horizontally, with all mission components, (2) vertically, between strategic, tactical and operational levels and (3) with all relevant actors.⁷⁵

The non-paper from the UN DPKO, *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, again highlights that the delivery on the PoC mandate requires engagement of all actors, whether military, civilian or police.⁷⁶ This continues to be asserted and has found its way into the most recent draft Operational Concept, where the UNDPKO/DFS recognises that a peacekeeping mission is one of many protection actors in an area of deployment and that different actors have distinct roles and responsibilities in providing protection.⁷⁷

Indeed, in its revised policy for *Civil-Military Coordination in UN Integrated Peacekeeping Missions (UN-CIMIC)*, UNDPKO/DFS listed the emergence of PoC as one of the critical developments which had led to its revision.⁷⁸ Noting that PoC goes beyond both the "achievement of the military mission", emphasised in military definitions of civil-military coordination at the operational level,⁷⁹ and efforts to "protect and promote humanitarian principles",

⁷³ Security Council S/RES/1265.

⁷⁴ Security Council S/RES/1296.

⁷⁵ Background paper for the third International Forum, Durch & Giffen (2010), p. 16.

⁷⁶ UN DPKO / DFS (2009), *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, p. 20.

⁷⁷ UN DPKO / DFS, (2010), *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, p. 2.

⁷⁸ UN DPKO / DFS (2010), *Civil-Military Coordination in UN Integrated Peacekeeping Missions (UN-CIMIC)*, Policy, January 2010, p. 4.

⁷⁹ According to the EU, e.g., Civil-Military Co-operation (CIMIC) is the "co-ordination and co-operation at all levels - between military components [...] and civil actors external [...] in support of the achievement of the military mission along with all other military functions". Source: Council of the European Union (2009), *EU Concept for Civil-Military Co-operation (CIMIC) for EU-led Military Operations*, 11716/1/08.

which are emphasised in humanitarian approaches,⁸⁰ the DPKO/DFS policy definition of UN-CIMIC reads as follows:

*UN Civil Military Coordination (UN-CIMIC) is a military staff function in UN integrated missions that facilitates the interface between the military and civilian components of the mission, as well as with the humanitarian, development actors in the mission area, in order to support UN mission objectives.*⁸¹

The policy also recognises that security has taken on a wider definition than purely physical protection. In so doing, it points out that while the delivery of a secure environment is primarily a military function led by military actors, many of the mission objectives are primarily civilian functions, for which military actors need to take on a more supportive role to civilian led tasks. The policy on UN-CIMIC thus highlights that military actors need “a solid understanding of the civilian effort, of the political and social context within which it takes place, and of ways in which the military can make a constructive contribution”. In this context, UN-CIMIC is needed to manage the operational and tactical interaction between military and civilian actors and to support creating an enabling environment for the implementation of the mission mandate “by maximizing the comparative advantage of *all actors* operating in the mission area” [emphasis added].⁸² The UN-CIMIC policy further notes that since coordination should be carried out in support of the wider mission objectives, coordination between UN-CIMIC and UN development and humanitarian actors should be conducted in accordance with their respective principles (including UN-CMCoord, to protect and promote humanitarian principles and preserve humanitarian space).⁸³

The UN-CIMIC policy states that the implementation of the protection of civilians should be based on a comprehensive mission-wide strategy. While the military operational details would be undertaken by a military command and operations/staff function, this does not exclude joint planning with other mission components. In this regard, the UN-CIMIC officers are expected to provide the necessary linkage to other protection actors and they may liaise with civilian

⁸⁰ OCHA defines UN Civil-Military Coordination (UN-CMCoord) as “The essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate pursue common goals...” Source: IASC, 2004, *Civil-Military Relationship in Complex Emergencies – an IASC Reference Paper*.

⁸¹ UNDPKO/DFS (2010), *Civil-Military Coordination in UN Integrated Peacekeeping Missions (UN-CIMIC)*, Policy, January 2010, p. 13.

⁸² *Ibid.*, p. 5.

⁸³ *Ibid.*

partners to facilitate the information flow from the military that may be of relevance for the partners' protection activities.⁸⁴

Drawing on this policy, what is emphasised in the cases that follow in section two is the interface between military and civilian components and actors at the operational and tactical level in the mission area, in support of PoC as a UN mission objective.

⁸⁴ UNDPKO/DFS (2010), *Civil-Military Coordination in UN Integrated Peacekeeping Missions (UN-CIMIC)*, Policy, January 2010.

PART II Case Studies

Following the review of the conceptual aspects of protection of civilians, related principles and concepts and the evolution of PoC, this part explores PoC as it has been manifested in the mandates of the following missions: MONUC, UNMIL, UNOCI, UNMIS and UNAMID. It subsequently explores whether and how UN peacekeeping missions have engaged in civil-military coordination to deliver on the PoC mandate. In doing this, the chapter focuses on the second tier of the three tiers proposed in the Operational Concept of the DPKO/DFS, i.e. *protection from physical violence*.⁸⁵ The first tier, *protection through the political process*, has been largely left out due to its indirect and overarching nature of supporting the implementation of a peace agreement or existing political process, whereas protection through *establishing a protective environment* has only been considered in terms of ensuring humanitarian access. As noted in the method and scope, the other aspects of DDR, SSR and Rule of Law have been left out since civil-military coordination in connection to these has been widely covered in the literature.

All the same, it should be noted that as these tiers are mutually reinforcing and some activities can impact two, or all three tiers. The focus on protection from physical violence rather aims at facilitating readership through lending structure to the text than to reflect a clearly cut distinct category.

From the case studies, the report seeks to extract lessons, which can be of relevance for a wider audience of peacekeeping actors. These recommendations are centred on enhancing the following aspects in relation to PoC: *operational guidance; planning; coordination; operational delivery; training and capacities* as well as *monitoring and reporting*.

⁸⁵ UN DPKO / DFS, (2010), *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, p. 7.

3 MONUC⁸⁶

The Democratic Republic of Congo has been subject to a long history of conflict. In the mid-1990s a conflict broke out, which, due to its regional dynamics came to be called “Africa’s World War”.⁸⁷ After a period of growing intensity, the Lusaka Ceasefire Agreement was signed in 1999, between DRC and five other nations⁸⁸ involved in the conflict. This paved way for establishment of the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) through UNSCR 1279 in November 1999.⁸⁹

3.1 PoC in the MONUC Mandate

MONUC was initially deployed as a chapter VI mission, but in 2000 it attained a chapter VII status with a mandate to: “take the necessary action, in the areas of deployments of its infantry battalions and as it deems it within its capabilities, to [...] protect civilians under imminent threat of physical violence”. But due to a low level of resources the mission could not deliver satisfactorily on the PoC mandate. In 2003 the UNSC reaffirmed the PoC mandate under chapter VII and in 2004 the UNSC also gave MONUC the mandate to “use *all necessary means*, within its capacity and in the areas where its armed units are deployed” to “*ensure the protection* of civilians, including humanitarian personnel, under the imminent threat from physical violence” [emphasis added]. In 2005 UNSCR 1592 goes even further giving permission to engage in coercive tactics to protect civilians, by stating, “... 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 the areas”.⁹⁰ At this time, interaction with the Armed Forces of the Democratic Republic of Congo (FARDC) also started and an EU operation⁹¹ was deployed to work with MONUC to provide security. During 2007 the MONUC mandate was once again reinforced, a sign that the initial mandate and that the resources allocated to

⁸⁶ As of 1 July 2010, MONUC was renamed the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) to reflect the new phase reached in the country.

⁸⁷ Ekengard, Arvid (2009), *Coordination and Coherence in the Peace Operation in the Democratic Republic of Congo*, FOI: Stockholm.

⁸⁸ Among the signatory states involved in the conflict Angola, Namibia and Zimbabwe supported the then president Laurent Kabila, whereas Rwanda and Uganda at the time supported the rebel groups.

⁸⁹ MONUC, <http://www.un.org/en/peacekeeping/missions/monuc/index.shtml> (accessed on 13 August, 2010).

⁹⁰ Holt and Berkman (2006), p. 165.

⁹¹ EUFOR RD Congo.

MONUC was not sufficient to provide protection.⁹² In 2008, the mandate was yet again, strengthened, making PoC the primary priority for MONUC through UNSCR 1856.⁹³

As such, MONUC has come to have the most assertive mandate yet in enforcing PoC under imminent threat of physical violence.⁹⁴ However, while PoC was given the highest priority, the mandate also spells out that MONUC shall work in close cooperation with the Government of the DRC in pursuit of those priorities.⁹⁵ Since FARDC has often been found to commit human rights violations, this instruction to cooperate with government forces introduces a source of tension in the mandate.⁹⁶ However, in accordance with UNSCR 1906, MONUC's support to FARDC is strictly dependent on conditionality that the FARDC adheres to IHL, HR and refugee law.⁹⁷

3.2 Delivery on the PoC Mandate in MONUC

One way that MONUC has been working with improving the internal approach to PoC is the establishment of Joint Protection Teams (JPT).⁹⁸ The JPTs were first introduced in the beginning of 2009 and since then approximately 86 teams have been deployed in the eastern provinces of the DRC.⁹⁹ The JPTs consists of experts from departments within MONUC, such as civil affairs, political affairs, human rights and child protection units under the coordination of the civil affairs section of MONUC.¹⁰⁰ The overarching aim of the JPTs is to make critical assessments on how the mission can improve the protection of civilians.¹⁰¹ This is enabled through the development of a greater understanding of the dynamics in an area, establish links between MONUC and local population and act as an early warning mechanism. Further, JPTs might mediate disputes, separate children from armed groups, provide protection advice to military officers and discuss possible protection concerns in the events of an attack.¹⁰² The deployment of JPTs has facilitated situational analysis and prediction of population movement as well as the delivery of humanitarian aid in the areas that are most in need of

⁹² Wills (2009), pp. 57-59.

⁹³ S/2009/160, p. 13.

⁹⁴ Holt and Berkman (2006), p. 91.

⁹⁵ United Nations Security Council Resolution (2008), S/RES/1856 (2008).

⁹⁶ Holt and Berkman (2006), p. 175; Holt, Taylor, Kelly (2009) p. 279; DPKO/DFS lessons learned note on the protection of civilians in UN peacekeeping operation: dilemmas, emerging practices and lessons.

⁹⁷ MONUC briefing note on PoC (April 2010), p. 4.

⁹⁸ DPKO/DFS Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations: Dilemmas, Emerging Practices and Lessons, p. 12.

⁹⁹ <http://monuc.unmissions.org/Default.aspx?ctl=Details&tabid=932&mid=1096&ItemID=8551>.

¹⁰⁰ MONUC briefing material (2009).

¹⁰¹ Olsson, Camilla (2010).

¹⁰² Human Rights Watch (2009).

such work.¹⁰³ According to Human Rights Watch (HRW), the effectiveness of these JPTs is hampered by the lack of civilian personnel and qualified protection experts. Another challenge according to HRW is that the JPT recommendations rarely have been followed by MONUC or FARDC.¹⁰⁴ Because of these constraints, they have a more fact-finding-mission approach than an early warning one.¹⁰⁵ Nevertheless, the JPTs' efforts have improved information exchange and contextual understanding among other things.¹⁰⁶ To enhance this further, MONUC is currently establishing a database for protection related information to facilitate information sharing between relevant actors.¹⁰⁷ Given that the JPTs themselves cannot protect civilians, it has been found that the impact of JPTs is dependent on complementary military and humanitarian activities. It is hoped that by improving this complementary activity, the effort will boost MONUC capabilities to deliver on the PoC mandate.¹⁰⁸

In order to strengthen the ability to foresee situations of increased vulnerability among civilians, a Rapid Response and Early Warnings Cell was established, in 2009, to help delivering on the PoC mandate.¹⁰⁹ The aim of the cell is to support MONUC's senior management with information to enhance the ability to react to protection crises.¹¹⁰ It reports to the Senior Management Group on Protection, which includes MONUC personnel OCHA and UNHCR.¹¹¹

Following the humanitarian reform and roll-out of the cluster approach, a Protection Cluster was established in DRC in the beginning of 2006 with the aim to improve the international community's response to protection issues with specific interest in Internally Displaced Persons (IDPs). Due to the grave situation in DRC the cluster decided to extend its responsibility to the entire population. The protection cluster set out to analyze protection needs, address protection priorities and identify protection response gaps.¹¹² These discussions have usually centred on the protection from physical violence tier of protection.¹¹³

The protection cluster meetings have included participants from UNHCR, MONUC (which participates with both military and civilian personnel in the cluster), UNICEF, OCHA, INGOs and NGOs as well as ICRC as an observer.¹¹⁴

¹⁰³ MONUC briefing material (2009).

¹⁰⁴ <http://www.hrw.org/en/news/2009/07/02/dr-congo-massive-increase-attacks-civilians>.

¹⁰⁵ HRW (2009).

¹⁰⁶ MONUC briefing material (2009).

¹⁰⁷ MONUC briefing note on PoC (April 2010), p. 3.

¹⁰⁸ *Ibid.*

¹⁰⁹ S/2009/472 p. 9.

¹¹⁰ MONUC briefing note on PoC (April 2010), p. 4.

¹¹¹ S/2010/164, p. 16.

¹¹² Murthy (2007).

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

Lead organizations are UNHCR through the overall responsibility given to them by the Inter-Agency Standing Committee (IASC), and MONUC because of its clear protection mandate. This is the first of its kind joint leadership between a UN humanitarian agency and a UN peacekeeping mission, providing a unique potential for coordination.¹¹⁵ This coordination through the protection cluster has been seen to be improving over time, through familiarization and developing an understanding of each others' approaches to PoC and conditions for coordination.¹¹⁶

The meetings have mainly concerned the deployment of military personnel to areas in need of them. The meetings categorize protection threats in three areas:

- **must protect areas:** areas where MONUC personnel must be physically present,
- **should protect areas:** areas where physical presence should be implemented if resources are available, and
- **could protect areas:** areas where MONUC could carry out patrols.¹¹⁷

When working with medium and long term protection the cluster has focused on the rule of law and especially the problem with impunity (i.e. issues related to tier three – protection through a protective environment). Thus the work with educating and training FARDC has been considered a key solution when delivering on the PoC mandate.¹¹⁸

These issues are also reflected in the system-wide strategy to protect civilians, which was finalised in 2010. Among other things, this strategy emphasises that sustainable protection of civilians can only be achieved through the restoration of a functional justice system.¹¹⁹ Similar observations are also made in the draft three-year Integrated Strategic Framework (ISF), which began to be drafted in 2009.¹²⁰ The ISF is a UN wide three-year planning tool, to be implemented in situations where UN Peacekeeping Missions deploy alongside a UN Country Team outlining common strategic directions. In the case of MONUC, protection is included among the prioritised areas along with issues pertaining to stabilising conflict-affected areas (including restoration of RoL and facilitating sustainable return of refugees and IDPs), consolidating the peace (including through SSR), and making development viable.¹²¹

¹¹⁵ Murthy (2007).

¹¹⁶ *Ibid.*

¹¹⁷ HRW (2009).

¹¹⁸ Murthy (2007).

¹¹⁹ UN system-wide strategy for the protection of civilians in the Democratic Republic of the Congo, p. 3.

¹²⁰ S/2009/623, p.11.

¹²¹ Draft UN Integrated Strategic Framework, February 2010.

Prior to adoption of the Cluster Approach, in 2005, MONUC had worked with UN agencies, NGOs, police and civilian components in “Joint Protection Working Groups” (JPWG). The first JPWG was established in North Kivu. It first assessed the threats to civilians, then determining strategies to address these threats and finally implemented these strategies. The JPWG identified 26 major threats to civilians, most of them pertaining to the protection from imminent threat of physical violence tier. The strategies to combat these threats primarily included elimination of impunity for FARDC soldiers through judicial reforms and the improvement of MONUCs deterrent presence to avoid violence, i.e. building a protective environment.¹²²

The JPWG was designed to ensure that all actors would realize how their activities fit in a larger picture and facilitate a more effective division of tasks.¹²³ The focus of this Working Group was on physical protection, implementing a comprehensive approach, recognition of the need of division of tasks, effective coordination and information exchange, and proactive efforts to compel provision of humanitarian space.¹²⁴

MONUC protects humanitarian assistance through offering protection to the delivery system, consisting of airfields and supply warehouses and if needed convoy protection.¹²⁵ In order for humanitarian actors to access some of the most vulnerable populations, MONUC also provides transport in UN helicopters.¹²⁶

MONUC has also prepared joint civil-military contingency plans to facilitate humanitarian assistance and aid in the response of a protection crisis.¹²⁷ However, in 2005, MONUC also began to implement a joint concept for PoC, an “umbrella framework”, with liaison officers acting as conduits between military and humanitarian actors on the ground to coordinate protection efforts. MONUC thus began to embrace new tasks to protect civilians such as expanding the humanitarian space by “initiating” humanitarian access.¹²⁸ However, the effects of the efforts made by MONUC in DRC during 2005 are questionable. The increased use of coercive tactics may even have been counterproductive, since an increased level of conflict further impaired the security situation. There was also an increase in retaliations from insurgents aimed at MONUC but conducted towards civilians.¹²⁹ It would therefore seem as if an increased use of coercive tactics can also result in decreased humanitarian space and access to civilians.¹³⁰

¹²² Holt and Berkman (2006), p. 173.

¹²³ *Ibid.*, p. 173-174.

¹²⁴ *Ibid.*, p. 174.

¹²⁵ MONUC briefing material (2009).

¹²⁶ Holt and Berkman (2006), pp. 40-41.

¹²⁷ MONUC briefing material (2009).

¹²⁸ Holt and Berkman (2006), p. 173.

¹²⁹ *Ibid.*, p. 175.

¹³⁰ *Ibid.*

In the DRC civilian and police leaders have mediated political negotiations, promoted RoL and worked to reduce government corruption. Peacekeeping force have in turn provided presence, conducted patrols, supported the disarmament and reintegration of former fighters, and used force against armed groups to compel disarmament and prevent attacks on civilians.¹³¹ Mobile bases are one of the most important aspects of how MONUC provides this type of protection to civilians from physical violence.¹³²

The deterrent operations made by MONUC in DRC are complementary to the monitoring, advocacy, assistance and support activities performed by humanitarian and human rights actors. Close coordination has therefore been identified as of essence for the delivery of PoC.¹³³

3.2.1 Lessons Learned from PoC in MONUC

Drawing on the experience from MONUC, a number of observations can be made, which should be considered in peacekeeping missions with PoC mandates:

Operational guidance on PoC mandate

- Establish strong mandates for PoC in order to clarify the importance and priority of this task. This should be combined with clear guidelines on how to prioritise between conflicting objectives, tiers of protection and between short-term and long-term objectives when these generate tensions.
- Recalling the tension between the mission objectives of providing support to FARDC to provide a protective environment (tier three) on the one hand and providing protection from physical violence (tier two) on the other, a functioning system needs to be in place to prioritise between these and between tiers of protection.¹³⁴

Coordination

- Peacekeeping Missions should attend protection coordination mechanisms in place (e.g. clusters) while safeguarding the humanitarian principles of humanity, neutrality and impartiality. Subject to the situation and acceptance of other participants, peacekeeping missions could assume co-leadership of protection clusters along with the civilian agency leading the cluster in the country.

¹³¹ Holt and Berkman (2006), p. 168.

¹³² S/2008/218, p. 9.

¹³³ S/2007/671, p. 16.

¹³⁴ See also Durch & Giffen (2010), p. 15.

Operational Delivery on PoC

- Noting that coercive enforcement through violent means is a last resort measure according to the mandate, engagement in the protection cluster could assist the peacekeeping mission in establishing whether other means have been exhausted or are unlikely to achieve the desired outcomes.
- In terms of protection outreach efforts (e.g. joint protection teams), it is important that these coordinate closely with the protection cluster or other protection fora. This can facilitate linking up with existing structures in the communities, which often have links to initiatives through civilian actors, either developmental or humanitarian. It also enables links to civilian support services e.g. for children separated from armed groups or survivors of sexual or gender-based violence.

Training and Capacity Needs

- Ensure that protection teams encompass a comprehensive understanding of protection issues (i.e. that the team's combined expertise is not limited only to e.g. child-protection, gender or other focus areas) and that such teams include senior members with direct access to the senior mission leadership.
- In situations with severe breaches of international humanitarian law, human rights law or refugee laws, the role of provider of last resort in terms of protection needs to be assumed by an agency with the ability to apply, or call on, coercive force. Noting that the lead agency for the cluster is meant to be the provider of last resort, this role needs to be clarified in peacekeeping missions.

Monitoring and Reporting

- When working alongside the national armed forces of the host nation, stronger monitoring and accountability measures need to be developed for potential breaches of human rights, combined with disengagement when breaches are recorded.¹³⁵

¹³⁵ See also MONUC briefing note on PoC (April 2010), p. 4.

4 UNMIL

The United Nations Mission in Liberia (UNMIL) was established in 2003. The conflict in Liberia had then been going on since 1989, when the National Patriotic Liberation Front (NPLF) entered the country from Côte d'Ivoire. Roughly a year into the conflict, a ceasefire agreement was brokered by the Economic Community of West African States (ECOWAS) which deployed a cease fire monitoring force¹³⁶ in 1990. In 1993, the UN deployed an observer mission, United Nations Observer Mission in Liberia (UNOMIL). With the election of Charles Taylor, who had led the NPLF, as President in 1997, both ECOMOG and UNOMIL withdrew from the country. However the country relapsed into civil war and by 2003, over 200,000 people had been killed and an estimated 850,000 people had been forced to flee across to neighbouring countries. The fourteen years since the conflict started had seen large scale atrocities committed against the civilian population, with rapes, ethnic cleansing and forced recruitment into rebel groups, including the use of child soldiers. In 2003, negotiations led to Taylor agreeing to step down, the establishment of an interim government and the signing of a Comprehensive Peace Agreement. Initially, ECOWAS deployed a mission,¹³⁷ the mandate of which was later transferred to UNMIL.¹³⁸

4.1 PoC in the UNMIL Mandate

UNMIL was set up through UNSCR 1509, with a mandate “to ... ensure the security and freedom of movement of its personnel and, without prejudice to the efforts of the government, to protect civilians under imminent threat of physical violence, within its capabilities.”¹³⁹

Beyond this, it was given the mandate to facilitate the provision of humanitarian assistance, including by establishing the necessary security conditions. It was also given a mandate to “contribute towards international efforts to protect and promote human rights in Liberia [...] in close cooperation with other United Nations agencies, related organizations, governmental organizations, and non-governmental organizations” and to “ensure an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection, and monitoring activities”.¹⁴⁰

¹³⁶ The Economic Community of West African States Monitoring Group (ECOMOG).

¹³⁷ The Economic Community of West African States Mission in Liberia (ECOMIL).

¹³⁸ Hull, Cecilia (2008), *Integrated Missions – Liberia a Case Study*, FOI: Stockholm. See also the history of UNMIL on the mission's website: <http://unmil.org/1content.asp?ccat=history&zdoc=1>.

¹³⁹ United Nations Security Council, Resolution 1509, S/RES/1509 (2003), pp. 3-4.

¹⁴⁰ *Ibid*, p. 4.

The mandate also *encourages* UNMIL, to support the voluntary return of refugees and internally displaced persons within its capabilities and areas of deployment, as well as to actively address violence against women and girls as a tool of warfare.¹⁴¹

Other protection related responsibilities included the development of a DDRR plan and assisting in the field of SSR.¹⁴² In the mandate renewal in 2005, the efforts of UNMIL to implement the zero-tolerance policy on sexual exploitation and abuse were welcomed, and the Secretary-General was requested to take all necessary action in this regard.¹⁴³ In a subsequent extension of the timeframe of the mandate, the mission's policy to promote and protect the rights of women is welcomed.¹⁴⁴

While not directly linked to PoC, UNSCR 1638 mandated UNMIL to apprehend and detain former President Charles Taylor and to transfer him for prosecution to the Special Court for Sierra Leone, where he was wanted for crimes against humanity, war crimes and violations against international humanitarian law.¹⁴⁵

In terms of coordination, the mandate which established the mission also welcomed the appointment of a Special Representative of the Secretary-General to direct the operations of UNMIL and coordinate all United Nations activities in Liberia.¹⁴⁶

4.2 Delivery on the PoC Mandate in UNMIL

UNMIL is one of two cases¹⁴⁷ in this study that has been subject to an official UN programme evaluation. According to the evaluation, UNMIL has been effective for the most part in the protection of civilians. However, in terms of advancement of humanitarian and human rights assistance, the evaluation finds the results to be mixed.¹⁴⁸

Both the improvement in the security situation and the support to the delivery of humanitarian assistance by UNMIL through the coordination of security and logistics support for humanitarian access are seen as important contributors to the improvement in humanitarian conditions. According to the evaluation, a

¹⁴¹ United Nations Security Council, Resolution 1509, S/RES/1509 (2003), p. 5.

¹⁴² *Ibid.*

¹⁴³ United Nations Security Council, Resolution 1626, S/RES/1626 (2005).

¹⁴⁴ United Nations Security Council, Resolution 1750, S/RES/1750 (2007).

¹⁴⁵ United Nations Security Council, Resolution 1638, S/RES/1638 (2005).

¹⁴⁶ United Nations Security Council, Resolution 1509, S/RES/1509 (2003).

¹⁴⁷ The other mission that has undergone an official UN programme evaluation is UNOCI.

¹⁴⁸ United Nations General Assembly, A/64/712, Programme Evaluation of the Performance and the Achievement of Results by the United Nations Mission in Liberia: Report of the office of Internal Oversight Services.

population survey found that 78 per cent of the respondents indicated that they have confidence in the mission's ability to protect civilians. The evaluation also found that this had contributed to the return of some 160,000 refugees and 270,000 IDPs.¹⁴⁹

As in other missions, UNMIL military forces contribute to the PoC through extensive patrolling and liaison with local authorities to prevent and deter situations in which civilians come under threat of physical violence. In cases when the population is under imminent threat of physical violence UNMIL military forces engage in interposition or use of force.¹⁵⁰

However, a big challenge in Liberia has been how to interpret the PoC mandate as the threats to civilians are largely a result of weak social structures and bad governance.¹⁵¹ When asked about the delivery of PoC, a respondent from UNMIL Military Component (UNMIL Force) noted that "threats against civilians are primarily from other civilians engaged in mob violence, riots or criminal activities [...]. Similarly [...] in Liberia this problem [sexual and gender-based violence] is a social and criminal issue and is dealt with by the police". This experience is contrasted with the situation in the DRC or Darfur, where the threats for the most part are from armed elements and sexual and gender-based violence (S-GBV) is used as a weapon of conflict. This view finds support in the evaluation by the Office for Internal Oversight Services (OIOS), which establishes that "incidents of crime such as robberies are now perceived to be the greatest single direct threat to the Liberian population [...including...] thefts, robberies, residential break-ins and acts of harassment."¹⁵²

In view of this, in situations of serious public disorder and riots, UNMIL Force has provided support to the police, either in situations where the police have been outnumbered or military forces were the first on the scene.¹⁵³ In an example from February 2010, violent ethnic clashes erupted in Voinjama, Lofa County in the northern part of Liberia. UNMIL troops were deployed to back up to the police

¹⁴⁹ United Nations General Assembly, A/64/712, *Programme Evaluation of the Performance and the Achievement of Results by the United Nations Mission in Liberia*: Report of the office of Internal Oversight Services.

¹⁵⁰ UNMIL official, email correspondence, 4 August, 2010.

¹⁵¹ UNMIL official, email correspondence, 6 July, 2010; Official at international humanitarian NGO, email correspondence, 16 August, 2010.

¹⁵² United Nations General Assembly, A/64/712, *Programme Evaluation of the Performance and the Achievement of Results by the United Nations Mission in Liberia*: Report of the office of Internal Oversight Services, p. 8.

¹⁵³ The procedures for these Joint Operations are laid down in an UNMIL publication "Combined Military – Police Joint operations SOP" (Source: UNMIL official, email correspondence, 4 August, 2010).

in riot control as well as to protect vital UN/Non-UN installations.¹⁵⁴ Among the lessons learnt from this incident, were the needs to conduct regular joint exercises of UNMIL military and police personnel, to update the Standard Operating Procedures (SOP) for joint police-military operations, as well as to train military personnel in riot control.

In order to coordinate UNMIL security tasks and operations, an Area Security Management Team has been established at the country-level, involving all security stakeholders (UN and national actors). Beyond this, a Crises Management Team (CMT) is established at the mission leadership level (chaired by the SRSG) and at the local level (chaired by the Head of Field Offices) at times of crises. According to an UNMIL Force respondent, these arrangements have proven to be very valuable to mitigate crises situations and provide timely and effective response, when needed.

When UNMIL deployed as an Integrated Mission, a separate OCHA office was maintained, in order to ensure a distinction between the humanitarian community and the UN's military and political presence, thereby safeguarding the humanitarian principles and humanitarian space. However, with the closure of the OCHA office in 2004, the Humanitarian Coordinator's Support Office (HCSO) was created as an integrated part of the mission. The HCSO is still supposed to act as an interface between the mission, the UNCT, NGOs as well as local authorities.¹⁵⁵ An example of this is its hosting of the Humanitarian Action Committee (HAC), which includes security presentations by UNMIL and thematic presentations by sectors.¹⁵⁶ According to the OIOS evaluation, UNMIL has uniquely managed the integration of humanitarian actors with their political and military counterparts without raising concerns over humanitarian space. According to an official from an international humanitarian NGO, this merger "was a significant first step to harmonize efforts and ensure complementarities among UNMIL military support, UNMIL civil components and civilian organisations [...] to achieve the overall humanitarian agenda in Liberia".¹⁵⁷ However, the OIOS report is not conclusive on the pros and cons of having the office for coordination of humanitarian affairs (or its equivalent) integrated into

¹⁵⁴ While four deaths were recorded, along with 14 injuries and the destruction of 23 houses and a Catholic church, an UNMIL official observed that the joint security intervention was crucial in preventing further damages.

¹⁵⁵ Hull, Cecilia (2008), *Integrated Missions – Liberia a Case Study*, FOI: Stockholm.

¹⁵⁶ United Nations General Assembly, A/64/712, *Programme Evaluation of the Performance and the Achievement of Results by the United Nations Mission in Liberia*: Report of the office of Internal Oversight Services. See also Hull, Cecilia (2008), *Integrated Missions – Liberia a Case Study*, FOI: Stockholm.

¹⁵⁷ Official at an international humanitarian NGO, email correspondence, 16 August, 2010.

UNMIL. Instead, it recommends DPKO and OCHA to undertake a joint study into this issue.¹⁵⁸

In her report on the Integrated Mission in Liberia, Hull notes that Country Support Teams (CSTs) were developed to bring the peace building efforts to the local level. In her assessment, they facilitated drawing on all resources available and ensuring a coherent approach.¹⁵⁹ In relation to PoC, one of the respondents to the current report notes that the sub-cluster working groups were part of the CST, which eliminated probable duplication of services and thereby indirectly contributed to the protection of civilians. The respondent further noted that CSTs provided a valuable forum for the elaboration of joint strategic workplans, sharing of information, identification of protection gaps and timely response to protection needs.¹⁶⁰

Asked to reflect on the contributions to PoC made by civil-military coordination, one respondent noted that UNMIL provided the framework for a well organized and coordinated humanitarian response in Liberia. In this regard, the respondent held that major decisions regarding PoC were based on consensus and made in consistence with international standards, e.g. by identifying lead agencies in each sector and identifying and addressing protection gaps. Challenges for PoC noted by the same respondent include a lack of a common strategic vision between the government, the UN and external NGOs, as well as resource competition and limitations of existing coordination mechanisms. Beyond this, differences in how problems and solutions are defined were seen as challenging.¹⁶¹

4.2.1 Lessons Learned from PoC in Liberia

Drawing on the experiences from UNMIL, the value of a number of efforts towards PoC emerges. These have been listed below:

Operational guidance on PoC mandate

- Guidelines on the operationalisation of PoC should distinguish between different phases of peace support operations and of conflicts, including peacekeeping, peace enforcement and peace building. Clearer guidance is particularly wanting in situations where the civilian population's exposure to threats is a result of lacking rule of law.

¹⁵⁸ United Nations General Assembly, A/64/712, *Programme Evaluation of the Performance and the Achievement of Results by the United Nations Mission in Liberia*: Report of the office of Internal Oversight Services.

¹⁵⁹ Hull, Cecilia (2008), *Integrated Missions – Liberia a Case Study*, FOI: Stockholm.

¹⁶⁰ Official at an international humanitarian NGO, email correspondence, 16 August, 2010.

¹⁶¹ *Ibid.*

Planning

- Establish a forum for the elaboration of joint strategic work plans, sharing of information, identification of protection gaps and timely response to protection needs.

Coordination

- Coordinate with humanitarian actors to establish areas and points in time where particular assistance can be provided by the peacekeeping mission in terms of improving the security situation and to establish how humanitarian assistance can benefit from security and logistics support for humanitarian access.
- Establish clear guidelines on the roles and responsibilities of different actors, with lead agencies in relation to PoC.
- Ensure that an interface is maintained between the mission, the UNCT, NGOs as well as local authorities. This interface should be acceptable to all parties and designed in a way that ensures that humanitarian principles of humanity, neutrality and impartiality are maintained to safeguard the humanitarian space.
- Seek consensus around PoC and adherence to international standards.

Operational Delivery on PoC

- Establish early-warning mechanisms, ranging from the local level to the national level to enable crisis mitigation and timely and effective responses to potential threats.

Training and Capacity Needs

- Conduct regular joint exercises of military, police and civilian actors, ensure Standard Operating Procedures (SOP) include joint police-military operations, and that military personnel are trained in non-traditional military tasks, such as riot control.

Monitoring and Reporting

- Ensure that the delivery on protection of civilians and coordination mechanisms adopted for this delivery is included in evaluations of peacekeeping missions. Such evaluations should include the perception held by the local population of the contribution to PoC by peacekeeping missions.

5 UNOCI

The United Nations Operation in Côte d'Ivoire (UNOCI) was established through UNSCR 1528 in 2004.¹⁶² This meant that a peacekeeping mission came to replace the previous monitoring mission MINUCI, which had been present in the country since the year before in response to the prolonged period of instability and low-intensity conflict that had plagued the country since the death of President Félix Houphouët-Boigny in 1993. In short this period saw a coup overthrowing Houphouët-Boigny's successor, Henri Bedié, in 1999, a subsequent power struggle and a political climate infected by tensions around citizenship. This tension involved questioning who was Ivorian, carrying voting rights and the right to control land. This had posed the southern part of the country controlled by the President Gbagbo's Government against the north controlled by the rebel movement Forces Nouvelles, with the most intense fighting between September 2002 and January 2003.¹⁶³

5.1 PoC in the UNOCI Mandate

UNOCI was, upon deployment in 2004, mandated to “*protect civilians under imminent threat of physical violence*, within its capabilities and its areas of deployment” without prejudice to the responsibility of the Government of National Reconciliation.¹⁶⁴ To this effect, UNOCI was authorized to “use all necessary means to carry out its mandate”.¹⁶⁵

In the preamble to UNSCR 1528, which established UNOCI, the Security Council also explicitly reaffirmed its resolutions 1325 (2000) on *women, peace and security*, 1379 (2001) and 1460 (2003) on *children in armed conflicts* as well as its resolutions 1265 (1999) and 1296 (2000) on the *protection of civilians in armed conflicts*, thus emphasising these aspects of the mandate.¹⁶⁶

Further, highly related to PoC, UNOCI is mandated to provide support for humanitarian assistance through facilitating “free flow of people, goods and humanitarian assistance [...] by helping to establish the necessary security

¹⁶² UNOCI was initially authorized with a force of 6,240 personnel, and by 30 April, 2010 it had expanded to 8,503 uniformed personnel, including 7,195 troops, 180 military observers and 1,128 police, supported by in excess of 1000 civilian personnel. (<http://www.un.org/en/peacekeeping/missions/unoci/facts.shtml>).

¹⁶³ Elowson, Camilla (forthcoming).

¹⁶⁴ United Nations Security Council, 2004, S/RES/1528, *Resolution 1528*, p. 3.

¹⁶⁵ *Ibid.*, p. 8. Noting that the Government of France has forces at the Licorne base in Côte d'Ivoire, the Resolution further authorizes these French forces to “use all necessary means” to support UNOCI in, among other things, helping to “protect civilians, in the deployment areas of their units”.

¹⁶⁶ United Nations Security Council, 2004, S/RES/1528, *Resolution 1528*.

conditions” as well as to provide assistance in the field of human rights, by contributing to “the promotion and protection of human rights [...] with special attention to violence committed against women and girls, and to help investigate human rights violations with a view to help ending impunity”.¹⁶⁷

Through a number of additional resolutions,¹⁶⁸ the mandate has been expanded in time and scope to include additional tasks with strong links to protection issues. These tasks include contribution to the security for the identification process of the population and registration of voters; providing support to open, free, fair and transparent elections; promoting the peace process through public information and monitoring the Ivorian mass media with regard to incidents of incitement to hatred, intolerance and violence.¹⁶⁹

However, according to the independent study jointly commissioned by the DPKO and OCHA, *Protecting Civilians in the Context of UN Peacekeeping Operations*, available transcripts of Security Council deliberations have made no mention to PoC as a concept, strategy or task to be undertaken by UNOCI.¹⁷⁰

In terms of coordination, the mandate supports this by awarding the Secretary-General’s Special Representative the full authority for coordination and conduct of all activities of the United Nations system in Côte d’Ivoire. UNOCI was planned as an Integrated Mission with a DSRSR also holding the Resident Coordinator and Humanitarian Coordinator (RC/HC) responsibilities, thus linking the UNCT to the Mission. The mission deployed with substantive civilian sections (e.g. HR, Child Protection and Gender Advisor).

¹⁶⁷ United Nations Security Council, 2004, S/RES/1528, *Resolution 1528*, p 4. Other responsibilities in the mandate, with relevance for PoC, include, but are not limited to: Re-establishing trust among all Ivorian forces (para 6, b); Assisting the Government of National Reconciliation in monitoring the situation of refugees (para 6, c); Paying special attention to women and children in the stipulated DDR process and voluntary repatriation and resettlement programme for ex-combatants (para 6, e and f); Assisting to restore a civilian policing presence (para 6, p); Assisting in re-establishing the authority of the judiciary and the rule of law (para 6, q); Giving special attention to the gender and child-protection components (para 7).

¹⁶⁸ See United Nations Security Council Resolutions S/RES/1572 (2004), S/RES/1584 (2005), S/RES/1609 (2005), S/RES/1721 (2006), S/RES/1739 (2007), S/RES/1765 (2007), S/RES/1924 (2010).

¹⁶⁹ United Nations, see www.un.org/en/peacekeeping/missions/unoci/mandate.shtml, accessed on 2010-04-26.

¹⁷⁰ Holt, Victoria and Glyn Taylor with Max Kelly, 2009, p. 294, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, United Nations: New York.

5.2 Delivery on the PoC Mandate in UNOCI

As noted, in order to protect civilians from physical violence, a mission can *prevent* or *respond* to situations posing such threats.¹⁷¹

In terms of the civilian aspects of the preventative work, a protection network was established by OCHA in June 2005. This network consisted of mandated UN protection agencies, international NGOs, UNOCI's Human Rights Division and advisers from the Child Protection and Gender Units as well as ICRC.¹⁷² The aim of the network was to collect and validate protection information, the provision of analysis on which early warning action, advocacy and denunciation can be undertaken by the Humanitarian Coordinator, the IASC, ERC or the SRSG. According to an independent study on protection of civilians in UN peacekeeping missions, this network is credited with improving collaboration and information exchange as well as organizing inter-agency assessment missions.¹⁷³

UNOCI has also submitted regular reports to the UN Security Council on worrying human rights developments through the Secretary Generals' reports, which have denounced the persistence of numerous human rights abuses¹⁷⁴ committed with impunity by the parties to the conflict, as well as their militias and ethnic or community-based militias. However, some UNOCI officials have expressed their frustration at the gap between the numerous statements against impunity emanating from Council resolutions and presidential declarations and its reluctance to take concrete action against the perpetrators of human rights violations and the political actors who encourage them.¹⁷⁵ When concrete action was taken, in January 2006, by releasing the list of the first names that would face international travel bans and freezing of their assets in accordance with UNSCR 1572, this, according to some, sent the message that the UN Security Council acted decisively only when UN staff and equipments were threatened but not to defend and protect the human rights of the ordinary population.¹⁷⁶

¹⁷¹ UN DPKO / DFS (2009), *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, p. 8.

¹⁷² ICRC attended in an observer role. Source: Holt, Victoria and Glyn Taylor with Max Kelly, 2009, p. 302, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, United Nations: New York.

¹⁷³ *Ibid.*

¹⁷⁴ Abuses listed includes politically motivated and arbitrary detentions, extrajudicial killings, rape, confiscation of private property, the intimidation of opposition leaders and their followers and destruction of dwellings.

¹⁷⁵ Yabi, Gilles, 2009, p. 98, *Côte d'Ivoire*, in Antanoni, Blanca, (ed.) 2009, *Security Council Resolutions Under Chapter VII: Design, Implementation and Accountabilities the Cases of Afghanistan, Côte d'Ivoire, Kosovo and Sierra Leone*, FRIDE: Madrid.

¹⁷⁶ *Ibid.*, p. 100.

As responses to immediate threats to civilians, UNOCI troops have been deployed, sometimes with Licorne¹⁷⁷ reinforcement, to regain control over towns attacked by militias in inter-ethnic violence. Still, a series of ethnically targeted killings have occurred, especially in 2005. Following a massacre on 31 May, 2005, UNOCI intervened with 350 troops to protect the civilians and stabilise the situation. UNOCI subsequently conducted robust and continued joint patrolling with the National Armed Forces of Côte d'Ivoire (FANCI) to provide protection to civilians – thus providing physical protection of civilians through coordination with national military actors.

While the initial UNOCI deployment did not include Formed Police Units (FPUs),¹⁷⁸ resolution 1609 (24 June, 2005), in response to the Secretary-General's report, which followed the death of more than 100 civilians in a spate of attacks that had plagued the country in the preceding month, authorised the deployment of three FPUs.¹⁷⁹ As UNOCI has primarily used its FPUs to protect UN facilities and personnel¹⁸⁰, it would appear this aspect of protection of civilians has been given a priority over protection of local civilians. The Formed Police Units of UNOCI have, however, been given 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 imminent threat of death or serious injury.¹⁸¹

In January 2006, riots broke out, targeting UNOCI, in connection to a political statement made by the International Working Group^{182, 183}. In some instances the riots were so severe that the UN troops had to relocate to areas inside the Zone of Confidence, leaving nearly 14,000 IDPs and other ethnic minorities unprotected.

¹⁷⁷ Licorne is a French military operation, under French command, in support of UNOCI.

¹⁷⁸ Police units are normally unarmed. Formed Police Units on the other hand are always armed providing them with enhanced capabilities in crowd control and fire-power against heavily-armed criminals. At the same time it also constrains them from community policing, mentoring and information gathering. Source: Durch & Giffen (2010) pp. 28-35.

¹⁷⁹ Yabi, Gilles, 2009, p. 97, *Côte d'Ivoire*, in Antanoni, Blanca, (ed.) 2009, *Security Council Resolutions Under Chapter VII: Design, Implementation and Accountabilities the Cases of Afghanistan, Côte d'Ivoire, Kosovo and Sierra Leone*, FRIDE: Madrid.

¹⁸⁰ Holt, Victoria and Glyn Taylor with Max Kelly, 2009, p. 301, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, United Nations: New York.

¹⁸¹ *Ibid.*, p. 297.

¹⁸² The International Working Group on Côte d'Ivoire had been created by a decision of the Peace and Security Council of the African Union and confirmed by UN Security Council resolution 1633 on 21 October 2005. The IWG included a number of African and European countries, the United States, the UN, AU, ECOWAS, EU, International Organisation of La Francophonie as well as the World Bank and the International Monetary Fund.

¹⁸³ Yabi, Gilles, 2009, p. 100, *Côte d'Ivoire*, in Antanoni, Blanca, (ed.) 2009, *Security Council Resolutions Under Chapter VII: Design, Implementation and Accountabilities the Cases of Afghanistan, Côte d'Ivoire, Kosovo and Sierra Leone*, FRIDE: Madrid.

This shows the importance of coordination between the civilian political level and military leadership in order to enable preparedness for repercussions from political statements.

During the January 2006 rioting, UNOCI troops shot five rioters dead after they had stormed the UN compound. The Secretary General noted that FPU's should be deployed alongside the UN troops to ensure a crowd control capacity as part of the lessons learned from this incident.¹⁸⁴

As in other forms of civil-military coordination, the importance of maintaining the humanitarian space, through a clear distinction between humanitarians and peacekeepers, has been stressed in Côte d'Ivoire, resulting, among other things, in the maintenance of a separate OCHA office and caution against civil-military efforts at "winning hearts and minds".¹⁸⁵ Nevertheless, as noted above, OCHA has sought to provide a bridge between humanitarian actors and UNOCI.

In 2006, this bridge was crossed through a Roundtable on the Implementation of the Protection Mandate of UNOCI. During this Roundtable it was acknowledged that protection is more than physical protection, noting that it derives from IHL, HRL and refugee law, but also that it entails prevention and education and not just a responsive concept.¹⁸⁶ Discussions at the Roundtable further emphasised that humanitarian presence has a preventive value for the overall protective environment. The recommendations that came out of the workshop included:

- Improvement of analysis for better advocacy and operationalisation
- Ensure better coordination with protection of civilians-elements of the UN Mission, and to encourage the Mission to mainstream protection of civilians into their work
- Develop a mechanism to define the different roles, responsibilities and spaces of operation for different actors.

Beyond this, calls were made for avoiding the development of a joint protection strategy – as it was seen as potentially jeopardising the perceived impartiality of humanitarian actors. Nevertheless, it was stated that strategies should work in synergy, with the mission and the humanitarian community sharing common objectives which can be pursued through a multiplicity of strategies. In this regard, the sharing of information was identified as particularly complex. While humanitarian actors could serve an important function in reporting and documenting and are privy to information which is important for the mission in

¹⁸⁴ Holt, Victoria and Glyn Taylor with Max Kelly, 2009, p. 305, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, United Nations: New York.

¹⁸⁵ OCHA, Report of the Roundtable on the Implementation of the Protection Mandate of the UN Peacekeeping Mission in Côte d'Ivoire (UNOCI), 24 May 2006, pp. 12-13.

¹⁸⁶ *Ibid.*

its assessment of the situation, being perceived as reporting on such threats or problems could compromise the neutrality and impartiality of humanitarian actors. Still the roundtable recommended the UNOCI human rights division and the protection network to facilitate a free flow of information, which could be used to identify trends.¹⁸⁷

The situation in Côte d'Ivoire was on the agenda of the first meeting of the Security Council Expert Group on the Protection of Civilians,¹⁸⁸ which convened for its first time in January 2009. This way, OCHA was provided with an informal channel to brief the Security Council on behalf of the humanitarian community ahead of the renewal of the mandate of UNOCI, with a view to ensure that protection concerns were identified and addressed in the Council's subsequent resolution.¹⁸⁹

One issue that was pursued by OCHA was better coordination between UNOCI and humanitarian partners in order to identify and cover high risk areas. This was given weight in the renewal of the Mandate of UNOCI in 2009, which,

*"Stresses the need for UNOCI and humanitarian agencies to continue to work closely together, in relation to areas of tensions and of return of displaced persons, to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner"*¹⁹⁰

In terms of coordinating planning tools, Côte d'Ivoire was the first Mission to have covered protection as a standalone priority in the Integrated Strategic Framework (ISF).¹⁹¹ In the ISF, UNOCI and the United Nations Country Team (UNCT) have jointly identified five strategic areas of joint interest and established a corresponding number of Outcome Groups with representatives from UNOCI, UNCT and international NGOs. In this regard, it is interesting to note that Protection has UNHCR as a focal point with the overall responsibility

¹⁸⁷ OCHA, Report of the Roundtable on the Implementation of the Protection Mandate of the UN Peacekeeping Mission in Côte d'Ivoire (UNOCI), 24 May 2006, p. 14.

¹⁸⁸ The task of the Security Council Expert Group on the Protection of Civilians is to facilitate the systematic and sustained consideration and analysis of concerns pertaining to protection of civilians. The group is designed to provide OCHA with an informal channel to brief the Security Council on behalf of the humanitarian community, with a view to ensure that protection concerns are identified and addressed in the Council's subsequent resolutions. This group has been meeting in relation to mandate-renewals to provide input on formulations. Source: United Nations Security Council (2009), *Report of the Secretary-General on the protection of civilians in armed conflict*, S/2009/277, pp. 3-19.

¹⁸⁹ United Nations Security Council (2009), *Report of the Secretary-General on the protection of civilians in armed conflict*, S/2009/277, p. 3.

¹⁹⁰ United Nations Security Council (2009), S/RES/1880 (2009), pp. 5-6.

¹⁹¹ UN DPKO / DFS (2010), *DPKO/DFS Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations*, p. 10. As noted in chapter 4, MONUC has included protection in its draft ISF from February 2010.

for coordinating the formulation and tracking of identified priority results. The inclusion of protection among the five priority areas as well as the associated priority results, have also been validated by UNOCI section chiefs and UNCT heads of agencies. Furthermore an Integrated Mission Planning Team (IMPT) has been formed with the responsibility for planning and coordinating joint approaches in the ISF.¹⁹² The civil-military coordination can be seen in this document, e.g. in the planning for return and reintegration of IDPs for which coordination with redeployment of security forces to the concerned areas (coordinated by UNPOL) is identified. Similarly, the plans for legal assistance to people affected by the crisis include the need for liaison with UNOCI's DDR section.¹⁹³

Another recent development in Côte d'Ivoire, civilian, non-DPKO officers were included in the 2010 Technical Assessment Mission (TAM), which humanitarian agencies valued as facilitating discussions around PoC issues in the mission and thereby saw it as a way of influencing UNSCRs.¹⁹⁴ Since then, UNOCI has started developing its first mission-wide PoC strategy.¹⁹⁵

5.2.1 Lessons Learned from PoC in UNOCI

Drawing on the experiences from UNOCI, the value of a number of efforts towards PoC can be extracted as set out below:

Planning

- Ensure mission-wide (joint) PoC strategies while maintaining flexibility in terms of humanitarian concerns.

Coordination

- While maintaining flexibility, roles and responsibilities should be clarified in relation to PoC.
- Stress the importance of coordination between peacekeeping missions with PoC mandates and the protection cluster in mission mandates.
- Develop mission-specific coordination mechanisms between the peacekeeping mission and the protection cluster, sensitive to the requirements of humanity, neutrality and impartiality

¹⁹² UNOCI/UNCT Integrated Strategic Framework (October 2009 – March 2011), p. 5.

¹⁹³ *Ibid.*, p. 29.

¹⁹⁴ Email correspondence, humanitarian personnel in Côte d'Ivoire, 22 June, 2010.

¹⁹⁵ *Ibid.*

Operational Delivery on PoC

- Developing context-specific early warning systems enabling civilian actors to alert the peacekeeping missions of high risk areas
- Ensure specific links between uniformed responses and civilian support services (e.g. medical, psychosocial etc).
- Ensure that due consideration is given to PoC when drafting Integrated Strategic Frameworks in missions operating next to UNCTs.

Monitoring and Reporting

- Inclusion of civilian (PoC experts) in Technical Assessment Missions
- Reports from the SRSG on PoC should be required to include coordination efforts
- Roles and responsibilities in relation to PoC should be reviewed by TAMs in their review of coordination needs related to PoC
- Carry out regular reviews, dialogue between peacekeeping mission and civilian actors on how to strengthen the PoC.
- Where warranted, protection clusters at the national level should make use of the Expert Group on Protection of Civilians to promote the enhancement of PoC in mission mandates.

6 UNMIS

The United Nations Mission in the Sudan (UNMIS) was established in 2005. Having experienced civil strife for all but 11 years since its independence in 1956, the latest North-South conflict in Sudan broke out in 1983. This conflict pitched the Government of Sudan against the main rebel movement in the south, the Sudan People's Liberation Movement/Army (SPLM/A). During this conflict over two million people have died, and an estimated four million people were displaced, with approximately 600,000 people fleeing the country as refugees.¹⁹⁶

In 2002 a protocol¹⁹⁷ was signed on the broad framework for governance, the transitional process and the structures of government, as well as on the right to self-determination for the people of South Sudan, and on state and religion. This was followed by agreements on wealth sharing¹⁹⁸ and power sharing¹⁹⁹ in 2004, which led to the establishment of a UN political mission – the United Nations Advance Mission in the Sudan (UNAMIS). This mission was mandated to facilitate contacts with the parties concerned and to prepare for the introduction of an envisaged UN peace support operation. Meanwhile a decision had been made to establish the African Union Mission in Sudan to Darfur, where fighting had escalated since 2003 (for more on this see the section on UNAMID below). With the signing of a Comprehensive Peace Agreement (CPA) in 2005, the deployment of UNMIS was authorized through UNSCR 1570.

6.1 PoC in the UNMIS Mandate

Through UNSCR 1590, UNMIS, was “authorized to take the necessary actions, within the areas of deployment of its forces and as it deems within its capabilities, [...] without prejudice to the responsibility of the Government of Sudan, *to protect civilians under imminent threat of physical violence.*” [emphasis added]²⁰⁰

Beyond the immediate protection of civilians under threat of physical violence, the mandate calls for ensuring “an adequate human rights presence, capacity and expertise within UNMIS to carry out human rights promotion, civilian protection, and monitoring activities” as well as to assist in the following programmes: DDR, with particular attention to women and child combatants; a national inclusive approach towards reconciliation and peace building, including

¹⁹⁶ UNMIS, <http://www.un.org/en/peacekeeping/missions/unmis/background.shtml>, accessed on 16 August 2010.

¹⁹⁷ The Machakos Protocol, signed on 20 July 2002.

¹⁹⁸ The Agreement on Wealth Sharing, signed on 7 January 2004.

¹⁹⁹ The Protocol on Power Sharing, signed on 26 May 2004.

²⁰⁰ United Nations Security Council, 2005, S/RES/1590, *Resolution 1590*.

the role of women; in the promotion of rule of law.²⁰¹ The mandate also calls for measures to achieve actual compliance with the United Nations zero-tolerance policy on sexual exploitation and abuse, thereby underscoring the importance of not allowing UNMIS troops themselves to undermine this aspect of protection of civilians.

In the preamble to UNSCR 1590, which established UNMIS, the Security Council explicitly reaffirms its resolutions 1325 (2000) on *women, peace and security*, 1379 (2001) and 1460 (2003) on *children in armed conflicts*, its resolutions 1265 (1999) and 1296 (2000) on the *protection of civilians in armed conflicts* as well as 1502 (2003) on the protection of humanitarian and United Nations personnel, thus emphasising these aspects of the mandate.²⁰²

In terms of coordination, the Secretary-General (as represented by the SRSG), was requested to coordinate all the activities of the United Nations system in Sudan, both for immediate assistance and long-term economic development as well as to facilitate coordination with other international actors. This coordination includes assistance to the parties to the Comprehensive Peace Agreement in coordination with bilateral and multilateral assistance programmes in restructuring the police. In terms of humanitarian coordination, the mandate also entails the facilitation and coordination of the voluntary return of refugees and IDPs as well as the humanitarian assistance, by helping to establish the necessary security conditions. In addition, the mandate calls for contributing towards international efforts to protect and promote human rights and to coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups, in close cooperation with other United Nations agencies, related organizations, and NGOs.²⁰³

Through a number of additional resolutions,²⁰⁴ the mandate has been expanded in time and to emphasise aspects of its scope. Most importantly, UNSCR 1870 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*” [emphasis added].²⁰⁵ This was again *underscored* in UNSCR 1919, which also stressed that this mandate “includes the protection of refugees, displaced persons, returnees, and other civilians with regard to the activities of the militias and armed groups”.²⁰⁶ Other aspects that have been emphasised include the importance to take appropriate

²⁰¹ United Nations Security Council, 2005, S/RES/1590, *Resolution 1590*.

²⁰² *Ibid.*

²⁰³ *Ibid.*

²⁰⁴ See United Nations Security Council Resolutions S/RES/1590 (2005), S/RES/1627 (2005), S/RES/1663 (2006), S/RES/1755 (2007), S/RES/1812 (2008), S/RES/1870 (2009), S/RES/1990 (2010).

²⁰⁵ United Nations Security Council, 2009, S/RES/1870 (2009), *Resolution 1870*, p. 4.

²⁰⁶ United Nations Security Council, 2010, S/RES/1919 (2010), *Resolution 1919*, p. 3.

action to prevent sexual exploitation and abuse by personnel in UNMIS, including by ensuring full accountability;²⁰⁷ the request to UNMIS to provide assistance to the DDR, RoL and police reform efforts; as well as to coordinate with partners to facilitate sustainable return of sustainable returns of IDPs and refugees through helping to establish the necessary security conditions.²⁰⁸ The mandate also enhances protection-of-civilians strategies by: supporting UNMIS intent, and subsequently calling upon UNMIS, to develop and execute an integrated strategy for supporting local conflict resolution mechanisms to maximise protection of civilians;²⁰⁹ calling on UNMIS to coordinate strategies with other missions in the region for information on the protection of civilians; stressing the importance of appropriate and flexible deployment of UNMIS to points of conflict where civilians are under threat of violence,²¹⁰ and later calling for regular reviews to ensure that UNMIS deployments are carried out in a way that the mission is best placed to support the implementation of the CPA and protect civilians under imminent threat of violence; and welcoming the development of a comprehensive strategy on the protection of civilians.²¹¹

6.2 Delivery on the PoC Mandate in UNMIS

UNMIS was set up with a unique structure in that it is the only UN peacekeeping mission to date to have had a PoC section. As the lead for protection concerns in Sudan, the section is mandated to coordinate international efforts towards the protection of civilians. It seeks to enhance protection of civilians against abuses of power and violations of their rights by assisting with the development of strategic work plans, facilitating inter-agency protection working groups, advocating timely responses, disseminating information as well as assistance and capacity building.²¹² In accordance with the responsibility of the PoC section, a Protection Working Group (PWG) has been established, with representation from UNMIS Human Rights, Gender and Civilian Affairs sections as well as independent UN agencies and NGOs. However, according to Lie and de Carvalho, it has been reported that this PWG has little practical and operational value, partly due to a lack of mutual conception of PoC. Instead it is reported to

²⁰⁷ United Nations Security Council, 2005, S/RES/1627 (2005), *Resolution 1627*; 2007, S/RES/1755 (2007); 2008, S/RES/1812 (2008), *Resolution 1812*.

²⁰⁸ United Nations Security Council, 2008, S/RES/1812 (2008), *Resolution 1812*.

²⁰⁹ *Ibid.*

²¹⁰ United Nations Security Council, 2009, S/RES/1870 (2009), *Resolution 1870*.

²¹¹ See United Nations Security Council Resolutions S/RES/1590 (2005), S/RES/1627 (2005), S/RES/1663 (2006), S/RES/1755 (2007), S/RES/1812 (2008), S/RES/1870 (2009), S/RES/1990 (2010).

²¹² UNMIS, Protection of Civilians (PoC) Fact Sheet (2009), 09/07/2009. See also UNMIS Protection of Civilians Section, <http://protection.unsudanig.org/index.php>, accessed 10 August, 2010.

function mainly as a forum for information sharing.²¹³ Indeed, drawing on the experience of UNMIS, the authors note that the vast divergence of organisational cultures and mandates among protection actors hampers the possibility of establishing a coherent approach to the practicalities of PoC. Just as in other aspects of peacekeeping operations, the short-term contracts and high turnover of staff has proven to provide challenges for establishing shared notions of the concept of protection of civilians.²¹⁴

As a result of the PoC section, almost every Secretary-General's report to the Security Council on UNMIS has included a section on PoC. However, while these reports have included brief discussions of threats posed to civilians, as well as an account of the monitoring, reporting and planning actions undertaken by the office, Holt et al., noted in 2009, that they did not find any reference to coordination or cooperation with the military or police elements of the mission in carrying out these activities.²¹⁵

Holt et al., note that the Secretary General's reports argued that instructions to protect civilians against attacks from the Lord's Resistance Army (the main rebel group) were beyond UNMIS capabilities, especially given its force size, configuration and other responsibilities.²¹⁶ A 2008 Technical Assessment Mission (TAM) made similar observations, noting that "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".²¹⁷ This has been ascribed to a lack of planning for a PoC role for the military component, as the assets and force structure deployed under UNMIS were oriented towards protecting military observers and facilitating the CPA implementation, hence designed towards static position and liaison with the parties to the conflict. Instead it is argued that in order to deliver on PoC more effectively, the mission would have had to have more mobile teams, adequate air assets to compensate for being thinly spread over vast geographical spaces, or be supported by over-the-horizon capabilities when threats to civilians escalate.²¹⁸

Noting an unclear interpretation of the authority to PoC under imminent threat of physical violence, the TAM recommended that this be clarified through an integrated strategy, linked to a conflict management approach. The subsequent Secretary-General's report acknowledged that UNMIS had been directed to

²¹³ Lie, J.H.S. and B de Carvalho (2008), p. 14.

²¹⁴ *Ibid.*, p. 16.

²¹⁵ Holt, Victoria & Taylor, Glyn & Kelly, Max (2009), p. 325.

²¹⁶ *Ibid.*, p. 326.

²¹⁷ *Report of the Technical Assessment Mission to Sudan*, 10-21 February (2008), pp. 1-3, quoted in Holt, Victoria & Taylor, Glyn & Kelly, Max (2009), p. 327.

²¹⁸ See Holt, Victoria & Taylor, Glyn & Kelly, Max (2009), p. 325 and Bah, Alhaji M.S. and Ian Johnstone (2007), *Peacekeeping in Sudan: The Dynamics of Protection, Partnerships and Inclusive Politics*, Center on International Cooperation: New York.

develop such a strategy, which should be linked to the approach on conflict management and coordinated with the UN Country Team.²¹⁹ In response, UNMIS set out to identify traditional, local and regional response mechanisms for conflict management through the development of a database for such mechanisms. However, there is no mention of any civil-military coordination in establishing this database.²²⁰

Nevertheless, the efforts to strengthen the protection response are said to have intensified after tensions between the parties to the conflict in Sudan culminated with an armed conflict between the Sudanese Armed Forces and SPLA and affiliated militias in May 2008, which resulted in the destruction of the town Abyei, an unknown number of civilian casualties and the displacement of some 50 000 people.²²¹ In response, UNMIS stepped up into a more pro-active profile aimed at preventing renewed conflict and minimizing the exposure of civilians to new security risks. This included enhancing the safety and security of local communities through protective presence and a joint patrol programme to cover pre-identified sensitive areas. It also sought to address competition over natural resources, by working closely with civilian UN agencies and NGOs to ensure adequate water supply along a seasonal migration corridor. Other aspects included working with local chiefs and authorities to support dialogue and pacific grievance resolution as well as to manage rumours and the spreading of false information. A PoC Committee was established to address the issue of damaging rumours or false information, to verify and correct information before communicating it to the population. This committee included representatives of all military, police and civilian components of the mission as well as civilian UN Agencies. UNMIS also deployed teams to areas where such rumours could expose civilians to increased risk.²²²

In 2009, a PoC centred contingency and preparedness planning exercise was carried out. It included a prevention and an intervention phase. The prevention phase included the identification of potential flashpoints, which were targeted for regular robust patrolling. The intervention phase, which was never activated, included the creation of safe havens adjacent to the UNMIS compound, where humanitarian assistance was pre-positioned in case civilians unable to flee were to seek shelter there. It also included plans for a “safe corridor”, through a combination of negotiation of temporary ceasefires, patrols and static stations along the road, to enable civilians to flee in safety. In the most extreme scenario,

²¹⁹ Holt, Victoria & Taylor, Glyn & Kelly, Max (2009), p. 328.

²²⁰ *Ibid.*, p. 331

²²¹ Sabarthes, Nelly (2009), *Implementing and Operationalizing Protection of Civilians with the United Nations Mission in Sudan: the case of Abyei*, Conference Paper.

²²² *Ibid.*

it included extraction of civilians caught in crossfire through negotiation of temporary ceasefire with parties in conflict and access to the civilians in need.²²³

A Secretary-General's report from 2010 has subsequently noted that the Mission has taken the protection of civilians forward with an integrated approach involving civilians, military and police, and non-governmental organizations.²²⁴ This report also makes reference to a PoC strategy based on a three-tier approach (i) the immediate security required to physically protect civilians; (ii) the delivery of basic needs through securing access; and (iii) deterrence and enhancing state capacity to protect through conflict prevention and management, and the strengthening of human rights mechanisms. According to this report, the Mission has taken a number of measures to operationalize this strategy, including increased coordination among actors, improved synergies in information exchange and situational analysis in order to understand the causes of civilian insecurity and develop joint planning, scenarios and contingency planning. The report further explains that as part of the delivery on the PoC strategy, protection and conflict management forums have been established at the geographical sector level, and are to be replicated at the team site level, to share and analyse early warning information.²²⁵

In terms of civil-military coordination more broadly in Sudan, specific guidelines have been developed for Sudan, under the auspices of the UN Resident Coordinator/Humanitarian Coordinator (RC/HC) in consultation and collaboration with UNMIS, UNAMID, UN Agencies, NGOs and other stakeholders.²²⁶ While no specific guidance is given to how to coordinate in relation to protection of civilians, it calls for a clear separation between humanitarian and political/military operations. In this regard, it spells out that personnel belonging to the peacekeeping missions should focus on physical protection activities. It also calls for operational independence of humanitarian action, by calling for humanitarian agencies to, among other things, ensure non-integration into military planning and action.²²⁷ These guidelines further call for Standard Operating Procedures to be developed by military and police actors respectively, in coordination with humanitarian actors, covering protection of

²²³ Sabarthes, Nelly (2009), *Implementing and Operationalizing Protection of Civilians with the United Nations Mission in Sudan: the case of Abyei*, Conference Paper.

²²⁴ United Nations Security Council (2010), *Report of the Secretary-General on the United Nations Mission in the Sudan*, S/2010/168, pp. 12.

²²⁵ *Ibid.*

²²⁶ United Nations (2008), *United Nations Civil Military-Coordination Guidelines for Sudan*, 23 April, 2008.

²²⁷ Recalling that the focus here is on the operational independence of humanitarian action, this should probably be read in the sense that humanitarian actors should not be made tools of a military or political strategy. From an operational independence perspective, there would seem to be few arguments against providing expertise to military actors during the planning phase to facilitate the protection of civilians.

civilians and related matters. It is noted that such SOPs should differentiate the respective roles and establish parameters to guide the activities of humanitarian and military agencies respectively.²²⁸ In the proposed coordination and liaison arrangements, it is emphasised that meetings should be held at “neutral” venues and that transparency should be maintained towards national staff as well as local interlocutors on *why* liaison is conducted and *who* is conducting it. This transparency does not extend to the information shared at the meetings, which should remain confidential and without wider attribution to source.²²⁹ A final point to emphasise from the guidelines is the call for the establishment of mechanism for the local population and humanitarian community to report grievances and complaints about the mission, including follow-up and feedback mechanisms.²³⁰

The Secretary General has stressed the importance of all actors to understand the scope and limitations of the military component. Noting that there seems to have been a difference in understanding the UNMIS PoC mandate and role between the Security Council on the one hand, and the Secretariat and UNMIS on the other, it would seem like the expectations should be clarified among all parties, as this would not only avoid unnecessary misunderstandings and the development of a false sense of security, but also facilitate coordination among different partners.

6.2.1 Lessons Learned from PoC in UNMIS

The experiences from UNMIS show the value of a number of efforts towards PoC as set out below:

Operational guidance on PoC mandate

- Ensure that the authority to provide PoC is clear in Rules of Engagement, Mission Directives and that this is elaborated through an integrated strategy for PoC with clearly defined roles and responsibilities.
- Clarify the scope and limitations of the military component in order to avoid unnecessary misunderstandings and the development of a false

²²⁸ United Nations (2008), *United Nations Civil Military-Coordination Guidelines for Sudan*, 23 April, 2008.

²²⁹ *Ibid.*, Annexes B and H.

²³⁰ *Ibid.*, Annex D. This is also a common recommendation in literature on managing the unintended consequences of peace support operations. See e.g. Aoi, Chiyuki, Thakur, Ramesh Chandra, De Coning, Cedric. (Eds.). *Unintended Consequences of Peacekeeping Operations* (New York: United Nations University Press, 2007); Hull C. et al. (2009), *Managing Unintended Consequences of Peace Support Operations*, FOI: Kista.

sense of security, as well as to facilitate coordination among different partners.

Planning

- In order to ensure that peace operations have the capability to fulfil a protection of civilians mandate, PoC needs to be addressed comprehensively in the planning process. Such planning could be improved by enhanced coordination with civilian actors prior to deployment, e.g. through joint analysis of the PoC tasks.

Coordination

- Ensure that the structure caters for coordinating international efforts towards the protection of civilians. This should include strategic work plans focused on PoC, facilitating inter-agency protection-coordination, advocating timely responses, disseminating information as well as providing assistance and capacity building to actors in the protection field. PoC forums should strive towards representation from the peacekeeping mission as well as civilian UN agencies and NGOs. Government/local-authority participation would be conditional on being accepted as conducive in the pursuit of PoC.

Operational Delivery on PoC

- Carry out and regularly update contingency plans clarifying protection of civilians-responses as well as roles and responsibilities for military and civilian actors.

Monitoring and Reporting

- In terms of capabilities, PoC tends to require mobile teams, but could also benefit from adequate air assets or the support from over-the-horizon capabilities when threats to civilians escalate.
- Carry out regular reporting on PoC, including discussions of threats posed to civilians, as well as an account of the monitoring, reporting and planning actions along with the coordination or cooperation mechanisms in place to deliver on the PoC mandate.

7 UNAMID

Set in the wider context of the instabilities of Sudan, Darfur had long experienced localized violence. The most recent conflict in Darfur broke out in 2003, with attacks on government targets by the two main rebel movements in the area, Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). Beyond these rebel groups, Arab militias under the name Janjaweed operated with support from the Government of Sudan. As this militia turned its focus on civilians, the violence reached unprecedented levels and the conflict is thought to have claimed up to 300,000 lives and displaced at least two and a half million people.²³¹ Throughout the conflict, widespread atrocities, such as murder of civilians and the rape of women and girls have been recorded.²³²

In 2004 the Humanitarian Ceasefire Agreement (HCFA) was signed between the Government of Sudan, and two of the local parties to the conflict. This gave way to the establishment of the African Union Mission in Sudan (AMIS), which deployed, first as an observer mission with a number of Military Observers, to be supported by a small protection force. Later that year, AMIS was given an enhanced mandate, and reinforced with military troops and civilian police.²³³ With the signing of the Darfur Peace Agreement (DPA) in 2006, and subsequent High-Level consultations in Addis Ababa, an agreement was reached for a three-phased approach to augment and transform the existing AMIS into a joint AU/UN peacekeeping operation in Darfur. As a consequence, the African Union/United Nations Hybrid Operation in Darfur (UNAMID) was set up in 2007, taking over responsibility from the preceding AMIS.²³⁴

7.1 PoC in the UNAMID Mandate

Through UNSCR 1769, UNAMID was “authorised to take the necessary action, in areas of deployment of its forces and as it deems within its capabilities in order to protect [...] and to ensure the security and freedom of movement of [...] humanitarian workers, [...] and protect civilians, without prejudice to the responsibility of the Government of Sudan.”²³⁵ By making reference to a joint

²³¹ Ekengard, Arvid (2008), The African Union Mission in Sudan (AMIS): Experiences and Lessons Learned, FOI: Stockholm.

²³² UNAMID, Background, <http://www.un.org/en/peacekeeping/missions/unamid/background.shtml>, accessed on 17 August 2010.

²³³ Ekengard, Arvid (2008), The African Union Mission in Sudan (AMIS): Experiences and Lessons Learned, FOI: Stockholm.

²³⁴ UNAMID, Background, <http://www.un.org/en/peacekeeping/missions/unamid/background.shtml>, accessed on 17 August 2010.

²³⁵ United Nations Security Council (2007), S/RES/1769 (2007), Resolution 1769, p. 5.

report of the Secretary General of the United Nations and the Chairperson of the African Union Commission, it was further decided that the mandate would include contribution to the: “necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur”; “*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 Sudan”; secure environment for [...] the sustainable return of internally displaced persons and refugees to their homes”; “promotion of respect for and protection of human rights and fundamental freedoms in Darfur”; as well as assist in the promotion of the rule of law. [*Emphasis added*]²³⁶ In order to deliver on these mandates, the following tasks have been listed:

- deploying Formed Police Units in areas where IDPs are concentrated and along key migration routes
- Contributing to the creation of the necessary security conditions for the provision of humanitarian assistance
- facilitating the voluntary and sustainable return of refugees and IDPs to their homes
- ensuring the security and freedom of movement of humanitarian workers
- protecting civilians under imminent threat of physical violence and the prevention of attacks and threats against civilians
- monitoring through proactive patrolling the parties policing activities in camps for IDPs
- establishing and training of community police in camps for IDPs
- assisting in the implementation of the agreements relating to human rights and rule of law, and to contribute to the creation of an environment conducive to respect for human rights.²³⁷

The initial mandate further requested the Secretary-General and troop-contributing countries to take necessary measures to achieve compliance in UNAMID with the UN zero-tolerance policy on sexual exploitation and abuse.

In 2008, PoC was emphasized in the mandate by underlining “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” and reiterated its “readiness to take action against any party that impedes [...] humanitarian assistance...”.²³⁸ This emphasis continues in UNSCR 1881, where it the Security Council “underlines the need for UNAMID to make full use of its mandate and capabilities, particularly with

²³⁶ United Nations Security Council (2007), S/2007/307/Rev.1, Letter dated 5 June 2007 from the Secretary-General to the President of the Security Council.

²³⁷ *Ibid.*

²³⁸ United Nations Security Council (2008), S/RES/1828 (2008), Resolution 1828, pp. 3-4.

regard to (a) the protection of civilians across Darfur, and (b) ensuring safe, timely and unhindered humanitarian access, the safety and security of humanitarian personnel and the protection of humanitarian convoys”.²³⁹ This resolution also saw a request that a comprehensive strategy be developed for protection of women and girls from sexual violence and gender-based violence and to ensure that resolution 1325 and 1820 be implemented.²⁴⁰

Since July, 2010, the PoC has been reinforced yet again, through UNSCR 1935, which “underlines” the need for UNAMID to make full use of its mandate and capabilities, *giving priority in decisions about the use of available capacity and resources to* (a) the protection of civilians across Darfur, and (b) ensuring safe, timely and unhindered humanitarian access, the safety and security of humanitarian personnel and humanitarian activities” [emphasis added].²⁴¹ This resolution also instructed UNAMID to develop a comprehensive PoC strategy in consultation with the UN Country Team.²⁴²

7.2 Delivery on the PoC Mandate in UNAMID

In its interpretation of the Mandate, UNAMID has issued a Mission Directive on the protection of civilians.²⁴³ In the directive, the interpretation of PoC is similar to that of the humanitarian definition cited above. It specifies that PoC is based on a joint approach between military, police and civilian actors, and calls for maximum coordination with civilian actors with closely timed and coordinated efforts in order to maximize the combined impact of joint capacities. To this effect, the Directive sets out that timely and accurate exchange of information is important on protection incidents and in UNAMID, the Humanitarian, Recovery and Development Unit has been established as the focal point for timely and accurate exchange of information related to protection of civilians between the Mission and civilian actors.²⁴⁴

In order to further spell out situations requiring PoC responses, the Mission Directive provides a list of most frequently occurring grave PoC incidents and the required intervention. By doing so, it seeks to establish a link between the type of incident and the timing and type of intervention that should be taken by which protection actors. Among the interventions, it further distinguishes between *preventive protection* (i.e. reaction prior to an anticipated or imminent violation), *immediate response protection* (urgent response to ongoing violation),

²³⁹ United Nations Security Council (2009), S/RES/1881 (2009), Resolution 1881, p. 2.

²⁴⁰ *Ibid.*

²⁴¹ United Nations Security Council (2010), S/RES/1935 (2010), Resolution 1935, p. 2.

²⁴² *Ibid.*

²⁴³ UNAMID (2009), Mission Directive on Protection of Civilians.

²⁴⁴ *Ibid.*

and *follow-up protection* (based on past violations).²⁴⁵ In terms of follow-up protection, UNAMID military and police are under clear guidelines to communicate information related to PoC incidents, while ensuring basic confidentiality measures, both to United Nations Department of Safety and Security (UNDSS) and to the Humanitarian, Recovery and Development Liaison Section (HRD). HRD in turn, has the responsibility to refer such information to civilian UNAMID sections (such as Human Rights and Child Protection) as well as with UN agencies. Follow-up action should then be communicated back to UNAMID military and police.²⁴⁶

The Directive, which explicitly includes gender-based violence among the list of grave abuses, closes with an emphasis that a zero tolerance policy vis-à-vis sexual exploitation by the Missions' own personnel should also be implemented.²⁴⁷

In 2009, the Joint Special Representative identified PoC as one of the Mission's four major priorities and in support of the Mandate and Mission Directive has had a protection strategy developed for Darfur.²⁴⁸ This strategy highlights two distinct aspects of protection – physical protection and protection of humanitarian space – and confirms that PoC forms a central part of all UN programmatic documents in the region. As such it also highlights UNAMID's role in supporting the UN in an anticipated Integrated Strategic Framework.²⁴⁹

The strategy sets out for UNAMID to strengthen its partnership with the UN Humanitarian Country Team and to focus its protection services in areas of intervention jointly determined with the humanitarian community and within its operational capacity.²⁵⁰ Interestingly, UNAMID has been assisting the Emergency Shelter sector through the provision of non-food items following the expulsion of a number of international NGOs from Darfur in 2009.²⁵¹ For this purpose, special guidelines on the role of UNAMID in supporting the delivery of humanitarian assistance in extreme situations have been drafted jointly by UNAMID and the Humanitarian Country Team, which consists of civilian UN Agencies and humanitarian NGOs.²⁵² These guidelines refer to a scenario where humanitarian actors are no longer in place, or capable of providing aid, to assist the civilian population. Beyond repeating standard precautions listed in IASC guidelines on the use of military and civilian defence assets in complex

²⁴⁵ UNAMID (2009), Mission Directive on Protection of Civilians.

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.*

²⁴⁸ UNAMID (2010), 2010 Darfur Protection Strategy.

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid.*

²⁵¹ *Ibid.*

²⁵² UNAMID (2009), *Guidance for UNAMID & Humanitarian Actors on the Delivery of Aid during in Extremis Situations*, 23 February, 2009.

emergencies, the guidelines note that any decision to involve UNAMID in the distribution of relief must rest with humanitarian actors and spell out the process to activate such a decision. The guidelines further note that when the onset of a crisis is too swift to put in place mitigation measures, the key need is protection and that every effort should be made to enable humanitarians to resume the delivery of humanitarian assistance. As the guidelines identify civilians seeking the protection of an UNAMID team site as a particular security threat and stockpiling of humanitarian supplies could increase this risk the guidelines specifically recommend not to carry such stockpiles at UNAMID team sites.²⁵³ Instead, information exchange is recommended between UNAMID and humanitarian actors to create a register of existing warehouses and stockpiles.²⁵⁴

The protection strategy also sets out for UNAMID to carry out “protection by presence” in areas with too high levels of insecurity for humanitarian actors to access. The strategy further establishes that UNAMID will increase its support to the outreach efforts of protection partners in remote field locations which allow access to displaced populations. To this effect, the strategy establishes that enhanced air transport capacity is critical, especially since the civilian air transport capabilities are limited.²⁵⁵ A further ambition listed in the strategy is the development of Standard Operating Procedures (SOPs) on protection issues, inducing how to handle information sharing with the humanitarian community.²⁵⁶

In terms of civil-military coordination more broadly, the operations in Darfur fall under the general guidance of the UN Civil Military-Coordination Guidelines for Sudan. Despite a general restriction against direct service provision (i.e. health clinics, mobile clinics etc), by UNAMID to the local population, these guidelines consider ad hoc, one-off, emergency services when there is an attack in an area, as valuable, responsive and needed.²⁵⁷ In terms of Quick Impact Projects beyond mandated tasks, these guidelines prioritise activities supporting protection of civilians, e.g. through establishing fire breaks for range pasture to prevent conflict, and fire prevention in camps.²⁵⁸

As seen in chapter 2 above, humanitarian action towards protection can be divided into responsive, remedial and environment-building actions. Given the ongoing nature of the conflict in Darfur, the focus of humanitarian actors has

²⁵³ It is worth noting that this differs from the stockpiling humanitarian relief items at the UNMIS site, as mentioned in the UNMIS case above, which was a result of the contingency plan carried out in that mission in 2009.

²⁵⁴ UNAMID (2009), *Guidance for UNAMID & Humanitarian Actors on the Delivery of Aid during in Extremis Situations*, 23 February, 2009.

²⁵⁵ UNAMID (2010), 2010 Darfur Protection Strategy.

²⁵⁶ *Ibid.*

²⁵⁷ United Nations (2008), *United Nations Civil Military-Coordination Guidelines for Sudan*, 23 April, 2008, Annex E.

²⁵⁸ *Ibid.*

been on responsive action, i.e. to prevent abuse resulting from violence, coercion or forced deprivation, or alleviating its immediate effects.²⁵⁹ While humanitarian actors have been criticised for being slow to take on protection tasks in Darfur, their engagement since 2004 has risen to “unparalleled levels” of monitoring and reporting according to some observers.²⁶⁰ By passing information to UNAMID to enable preventive patrols, this has helped save lives and reduce the level of threat for many people.²⁶¹

Another example of civil-military coordination for PoC was an initiative by humanitarian actors to work with communities to identify protection strategies, which resulted in the development of patrols to protect women collecting firewood from sexual violence and abduction by militia. This was developed in collaboration with humanitarian agencies and UNAMID’s predecessor AMIS, whereby weekly or bi-weekly firewood patrols were organized from some camps. In order to reduce the demand for such patrols, humanitarian agencies contributed to the reduction of the need for firewood, by introducing fuel-efficient stoves in some camps.²⁶² Noting that another area where responsive action by humanitarian actors has been particularly frequent is post-rape assistance. Such assistance should benefit from coordination and information exchange between civil and military actors to enable timely identification of survivors of such abuses and provision of services.²⁶³

In terms civilian efforts in the area of environment-building, humanitarian agencies have been engaged in capacity building of national organizations to undertake work in support of human rights. One concern noted in this regard is that international organizations have limited capacity to protect local organizations from the heightened threats they face as a result of their increased involvement in protection work, which could speak in favour of increased coordination to ensure that security actors (esp. police) along with human rights actors can provide support to such local actors.

²⁵⁹ Pantuliano, Sara and Sorcha O’Callaghan (2006), *The ‘Protection Crisis’: A Review of Field-based Strategies for Humanitarian Protection in Darfur*, HPG Discussion Paper, December, ODI: London.

²⁶⁰ *Ibid.*

²⁶¹ *Ibid.*

²⁶² *Ibid.*

²⁶³ *Ibid.*

7.2.1 Lessons Learned from PoC in UNAMID

The experiences from UNAMID point to the value of a number of efforts towards PoC. These include:

Operational guidance on PoC mandate

- Ensure that PoC is included in Mission Directives
- Develop Standard Operating Procedures (SOPs) on protection issues, including how to handle information sharing with the humanitarian community.

Planning

- Ensure that PoC forms a central part of all relevant programmatic documents for the country of operations.
- Develop mission specific guidelines on the role of the peacekeeping mission supporting the delivery of humanitarian assistance in extreme situations, paying particular attention to the protection needs.

Coordination

- Establish a focal point for timely and accurate exchange of information related to protection of civilians between the Mission and civilian actors.
- Facilitate communication to the peacekeeping mission from civilian actors in order to enable timely preventive patrols.
- Coordinate and exchange information between civil and military actors to enable timely identification of survivors of sexual and gender-based violence to improve the provision of e.g. post-rape services.

Operational Delivery on PoC

- Establish a list of most frequently occurring grave PoC incidents and the required interventions (including prevention, response and follow-up) distinguished by actor.
- Ensure that information related to PoC incidents is communicated to relevant actors, while maintaining basic confidentiality, to enable appropriate referral to and follow-up by civilian actors. This should be a two-way communication whereby follow-up action is communicated back to the source.
- Focus protection services in areas of intervention jointly determined with the humanitarian community and within its operational capacity.

- Engage humanitarian actors to work with communities to identify protection strategies, in order to ensure that protection strategies are based on the beneficiaries needs.
- Give appropriate protection (e.g. police or legal support) to local protection and human rights organizations from the heightened threats they face as a result of their involvement in protection work.

Monitoring and Reporting

- Abide strictly by the UN zero-tolerance policy vis-à-vis sexual exploitation by the Missions' own personnel and hold possible perpetrators accountable.

8 Lessons Learned from the Case Studies

As noted in the introduction, this report neither makes any claims on assessing the success or failure of the aforementioned missions to deliver on PoC mandates, nor can it rely on formal evaluations of those missions. Nevertheless, a summarised list is provided below with some of the key recommendations in the following categories *operational guidance on PoC mandate, planning, coordination, operational delivery on PoC, capacity and training needs, monitoring and reporting*. These recommendations should be seen as a non-exhaustive list of non-validated measures to enhance PoC through civil military coordination in the field of operations. Their appropriateness should be tried against the unique requirements of each mission.

Summarised recommendations:

Operational guidance on PoC mandate

- Ensure that the authority to provide PoC is clear in the Rules of Engagements, Mission Directives and Standard Operating Procedures (SOP), and that the operationalisation of this authority is elaborated through an integrated strategy for PoC with clearly defined roles and responsibilities between different actors. Noting the importance of assistance with law and order-type interventions in peacekeeping missions where the main threat is not armed forces, but civil unrest, it is important that SOPs are clear between military actors and the police. SOPs on protection issues should also include how to handle information sharing with the human rights and humanitarian community to enable maximum information exchange without jeopardising safety and security or the integrity of the missions' intelligence mechanisms.
- Develop clear guidelines on how to prioritise between conflicting objectives, tiers of protection and between short-term and long-term objectives when these generate tensions.

Planning

- In order to ensure that peace operations have the capability to fulfil a protection of civilians mandate, PoC needs to be addressed comprehensively in the planning process. Such planning could be improved by enhanced coordination with civilian actors prior to deployment, e.g. through joint analysis of the PoC tasks. For the operationalisation of PoC mandates, it is important to develop mission-

wide (joint) PoC strategies, involving civilian actors while maintaining flexibility in order not to jeopardise humanitarian principles.

- Ensure that due consideration is given to PoC when drafting short- to medium-term transition plans jointly with civilian actors (such as Integrated Strategic Frameworks in missions operating next to UNCTs).

Coordination

- Develop mission-specific coordination mechanisms both within the peacekeeping mission and between the peacekeeping mission and the existing protection forums in the country (e.g. protection cluster), sensitive to the requirements of humanity, neutrality and impartiality. This could include attending protection clusters and assuming co-leadership along with the civilian agency leading the cluster in the country (e.g. UNHCR) in situations where civilian actors request this. While maintaining flexibility, such coordination should aim towards identifying roles and responsibilities in relation to PoC and clarify who reports to whom etc. Ensure that the structure caters for coordinating international efforts towards the protection of civilians, with strategic work plans focused on PoC, facilitating inter-agency protection coordination, advocating timely response, disseminating information as well as assistance and capacity building. PoC forums should strive towards representation from the peacekeeping mission as well as civilian UN agencies and NGOs. Government/local-authority participation would be conditional on being accepted as conducive in the pursuit of PoC.
- Clarify the scope and limitations of the military component in order to avoid unnecessary misunderstandings and the development of a false sense of security, as well as to facilitate coordination among different partners.

Operational Delivery on PoC

- Ensure specific links are established between uniformed responses and civilian support services e.g. for children separated from armed groups or survivors of sexual or gender-based violence. In this regard, it is important to explore the feasibility of making use of existing structures in the communities, which often already have links to initiatives through civilian actors, either developmental or humanitarian, without exposing civilians to further risks.
- Develop context-specific early warning systems enabling civilian actors to alert the peacekeeping missions of high risk areas.

Training and Capacity Needs

- Ensure that protection teams encompass a comprehensive understanding of protection issues (i.e. that the team's combined expertise is not limited

only to e.g. child-protection, gender or other focus areas) and that such teams include senior members with direct access to the senior mission leadership.

- For assessment missions reviewing the tasks and mandates of peacekeeping missions (e.g. Technical Assessment Missions), civilian (PoC experts) should be included in order to fully capture the PoC requirements.
- Conduct joint exercises, not only between military and police, but also involving civilian actors.
- In terms of military capabilities, PoC tends to require mobile teams, but could also benefit from adequate air assets or the support from robust over-the-horizon capabilities when threats to civilians escalate, or when engagement for PoC exposes the mission for additional threats.
- In situations where law-and-order deficits pose greater challenges to PoC than hostilities by armed forces, more emphasis may need to be given to police than military activities for PoC. In the event that the military may be expected to address such situations, e.g. through assisting in crowd control, it is crucial that they receive training in these types of non-traditionally military tasks.
- In order to ensure that military operations are planned and carried out with PoC in mind, peacekeeping personnel at all levels would require protection and human-rights training. Given the importance of coordinating and cooperating with civilian actors for the delivery on PoC, a minimum level of appreciation of civil-military coordination would also be required.

Monitoring and Reporting

- Carry out regular reporting on PoC, including threats posed to civilians, the implementation of PoC, as well as an account of the monitoring, reporting and planning actions along with the coordination or cooperation mechanisms in place to deliver on the PoC mandate. Such reporting should be included in high-level mission reports to headquarters (e.g. from the SRSG in UN peacekeeping missions);
- Assessment missions (e.g. TAMs in UN peacekeeping missions) should review the coordination needs in relation to PoC as well as the established roles and responsibilities in relation to PoC;
- Carry out regular reviews or dialogues between peacekeeping mission and civilian actors on how to strengthen the PoC;
- Where warranted (e.g. if operating under an insufficient PoC mandate or capabilities, or where coordination structures are not established),

protection actors in the country (e.g. clusters) should make use of appropriate channels in headquarters (e.g. the Expert Group on Protection of Civilians) for promoting the enhancement of PoC.

9 PART III Conclusions

Drawing on the conceptual and policy development pertaining to PoC in UN peacekeeping missions, a number of valuable observations can be made for other peacekeeping actors, including national actors like the Swedish Armed Forces.

First, in accordance with observations of shortcomings in terms of how to operationalize the concept of PoC, and the efforts made at the UN level, national actors are likely to benefit from drawing on these efforts and developing operational guidance or doctrines for this type of intervention. In this regard, the literature highlights the importance of clear Rules of Engagements, Mission Directives and Standard Operating Procedures in relation to PoC and that these clarify coordination efforts between military and other actors in the pursuit of PoC.

Second, in its conceptual development of PoC, the UN has repeatedly given recognition to the fact that PoC is not a military task alone, but one that requires a comprehensive approach including military, police and civilian actors such as civilian administration and humanitarian personnel. In this conceptual development, security and PoC have also taken on wider definitions than purely physical protection. It also points out that while the delivery of a secure environment is primarily a military function led by military actors, many of the mission objectives are primarily civilian functions, for which military actors need to take on a more supportive role to civilian led tasks. In view of this, military actors need a clear understanding of the civilian effort, and of ways in which they can make a constructive contribution, e.g. through seeking to maximise the comparative advantage of all relevant actors in the mission area and engaging in accordance with their respective principles for coordination.

Third, in line with the emphasis on the importance of a comprehensive approach to PoC, the UN has promoted the notion of a comprehensive mission-wide strategy for PoC, including through joint planning exercises and the establishment of the roles and responsibilities of relevant actors in relation to PoC. Such attempts at finding synergies and avoiding duplication would seem particularly urgent in view of the unique opportunity in finding common ground between civilian and military actors in objectives centred on protection. This is particularly important given the limits of military and civilian actors in meeting protection needs without the complementary efforts of the other. Just as military actors are implausible guarantors of peoples' dignity, personal integrity and rights, humanitarian actors are unlikely to provide safety and security if violently resisted.

Finally, given importance of PoC as a moral justification for peace support operations, the UN has established that mandated protection activities must be given priority in decisions about the use of available capacity and resources in

the implementation of mandates. For national actors, such priorities should be established before deployment in order to enable the force commander to focus the efforts on prioritised objectives.

Beyond the conceptual progress, and drawing on the case studies, further observations can be made. Despite the progress made conceptually around protection of civilians and in terms of its inclusion in the mandates of peacekeeping missions, it has been noted that PoC remains an elusive and challenging task for military actors involved in peacekeeping missions. This is not to suggest that progress has not been achieved. Indeed, UN peacekeeping has come far from the days when the organization was accused of standing idly by while civilians were being attacked. Still, as has been seen in, e.g. Côte d'Ivoire, violence could erupt leading to hundreds of deaths before the UN was able to control the situation. Similarly, in Sudan, UNMIS has declared, through the Secretary General, its lacking capabilities to provide protection of civilians through robust and proactive action against one of the main rebel groups. In DRC, the UN Mission is awkwardly associated with government forces often criticised for committing human rights abuses on the civilian population, as its mandate also includes working alongside the FARDC.

Oftentimes, this shortcoming is linked to the sheer magnitude of the task. Protecting civilians from violence and human rights abuses in a hostile environment, where state institutions are at best weak and at worst involved in targeting the civilian population remains an enormous challenge, especially when the resources at hand spread thinly over vast geographical areas. Linked to this is the caveat which is recurring in PoC mandates, that peacekeeping missions should provide protection of civilians "within its capabilities and areas of deployment". Coupled with the immensity of the challenge and the limited resources at hand, this caveat brings emphasis to the importance of maximising the PoC that can be offered with the capabilities available.

Beyond the magnitude of the challenges of protection tasks, the examples of failure above also highlight the limiting effect of the caveat that protection should be provided "without prejudice to the [host] government". This limiting effect seems to persist despite the fact that the PoC mandates in the case studies above were issued under Chapter VII mandates. While the recent emphasis in the UNSC, that priority should be given to mandated protection activities in decisions about the use of available capacity and resources, is a welcome development, it remains to be seen whether this will suffice to overcome the limiting caveats.

In the case studies above, the importance of giving due attention to PoC in the planning phase, including by involving civilian actors in assessment missions, the analysis and planning of needs and tasks have been suggested to be vital for matching capabilities with requirements. Indeed, it has been suggested that

unless protection is considered adequately in the planning phase, it will not be successfully implemented in the operations.²⁶⁴

In this regard, it has been noted that the lack of a clear concept and the different understandings of the notion makes it more difficult to identify roles and responsibilities which could enhance coordination. However, while there is no one firm definition of PoC, such mandates still share common features including the protection of civilians from imminent threat of physical violence, facilitation of the delivery of humanitarian assistance, the protection and promotion of human rights, along with aspects of DDR, RoL and SSR. When read in conjuncture with the humanitarian definition of protection, as “all 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”,²⁶⁵ it is clear that protection of civilians is about more than the distinction between civilians and military actors as well as physical protection entailed in humanitarian law. It also includes a strong emphasis on wider human rights. In view of this, the concept would seem to enable a juncture among military and civilian actors in the need to view tasks assigned to a peacekeeping missions from a human rights perspective.

Such a perspective may assist in the operational delivery on PoC. From the case studies above, the importance of developing links to existing support structures in communities and those provided by civilian actors are highlighted, along with the value of drawing on civilian actors for early warning systems, in order to enable a rapid pre-emptive deployment where civilians are at heightened risk. In an example from DRC, MONUC is attempting to overcome a situation of conflicting objectives by making its support to the government forces conditional on FARDC’s respect for humanitarian law. By operating through a human rights perspective, this conditionality could be enhanced through developing clearer accountability measures along with coordination between military and civilian actors to enhance legal, psychosocial and health assistance to victims of abuse.

In order to deliver on PoC, it has been noted that capabilities need to be matched to the mandate. In terms of military capabilities, some have argued for increased mobility and airlift capacity in order to enable rapid deployment to areas where civilians are at heightened risk. Others would argue for combining this with over-the-horizon capabilities which can be brought in to enable a robust approach in situations where threats against civilians escalate. This could be an area to consider for military actors with higher capabilities, which provide support to UN peacekeeping missions, but have been reluctant to contribute large troops to UN peacekeeping missions. For an actor like the EU, for example, its Battle

²⁶⁴ Lie, and de Carvalho (2008).

²⁶⁵ Third Workshop on Protection, Background paper, ICRC (7 January 1999), quoted in IASC (1999), *Protection of Internally Displaced Persons: Inter-Agency Standing Committee Policy Paper*, December, IASC: New York.

Group concept could potentially be used to provide over-the-horizon capabilities in the event that on-going peacekeeping missions' meet increased hostilities because of their robust PoC activities.

The case studies have also shown that where law and order deficits pose the greatest challenges to PoC, police capabilities need to be emphasised, along with particular training of military in non-traditional military support tasks. Beyond this, skills and training requirements identified include an enhanced appreciation of protection and human rights among the mission personnel in general and in protection teams and assessment missions in particular. In order to improve civil-military coordination capacities such training can be complemented by joint exercises including military, police and civilian personnel.

In order to maintain a commitment to PoC, it is important that emphasis is given to the monitoring of and reporting on the PoC situation and implementation. In view of this, the mission leadership should include regular updates on threats posed to civilians, the implementation of PoC, as well as an account of the monitoring, reporting and planning actions along with the coordination or cooperation mechanisms in place to deliver on the PoC mandate. Beyond this, it is important that assessment missions that influence mandates and other aspects with implications for operations review the coordination needs in relation to PoC as well as the established roles and responsibilities in relation to PoC. In country, there should be regular reviews involving the peacekeeping mission and civilian actors on how to strengthen the PoC. In this regard, protection actors can seek to make use of appropriate channels in headquarters for promoting the enhancement of PoC.

Acronyms

AMIS	African Union Mission in Sudan
CIMIC	Civil-Military Co-operation (EU definition)
CMT	Crises Management Team
CPA	Comprehensive Peace Agreement
CST	Country Support Teams
DDR	Disarmament, Demobilisation and Reintegration
DDRR	Disarmament, Demobilisation, Return and Reintegration
DFS	Department of Field Support
DPA	Darfur Peace Agreement
DPKO	Department of Peacekeeping Operations
DSRSG	Deputy Special Representative of the Secretary-General
ECOMIL	Economic Community of West African States Mission in Liberia
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
ERC	Emergency Relief Coordinator
EU	European Union
FANCI	National Armed Forces of Côte d'Ivoire
FARDC	Armed Forces of the Democratic Republic of Congo
FOI	Swedish Defence Research Agency
FPU	Formed Police Units
HAC	Humanitarian Action Committee
HCFA	Humanitarian Ceasefire Agreement
HCSO	Humanitarian Coordinator's Support Office
HR	Human Rights
HRD	Humanitarian, Recovery and Development Liaison Section
HRW	Human Rights Watch
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross

IDP	Internally Displaced Person
IHL	International Humanitarian Law
IMPT	Integrated Mission Planning Team
ISF	Integrated Strategic Framework
JEM	Justice and Equality Movement
JPT	Joint Protection Teams
JPWG	Joint Protection Working Groups
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
MONUC	United Nations Organization Mission in the Democratic Republic of Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo
NGO	Non-Governmental Organizations
NPLF	National Patriotic Liberation Front
OCHA	Office for the Coordination of Humanitarian Affairs
OIOS	Office for Internal Oversight Services
PoC	Protection of Civilians
PSO	Peace Support Operation
PWG	Protection Working Group
R2P	Responsibility to Protect
RC/HC	Resident Coordinator/Humanitarian Coordinator
RoE	Rules of Engagement
RoL	Rule of Law
SG	Secretary-General
S-GBV	Sexual and Gender Based Violence
SLM/A	Sudan Liberation Movement/Army
SOPs	Standard Operating Procedures
SPLA	Sudan People's Liberation Army

SPLM/A	Sudan People's Liberation Movement/Army
SRSG	(United Nations) Special Representative of the Secretary General
SSR	Security Sector Reform
TAM	Technical Assessment Mission
UN	United Nations
UNAMID	African Union/United Nations Hybrid Operation in Darfur
UNAMIS	United Nations Advance Mission in the Sudan
UNAMSIL	United Nations Assistance Mission in Sierra Leone
UN-CIMIC	Civil-Military Coordination in UN Integrated Peacekeeping Missions (DPKO definition)
UN-CMCoord	UN Civil-Military Coordination (OCHA definition)
UNCT	United Nations Country Team
UNDSS	United Nations Department of Safety and Security
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan
UNOCI	United Nations Operation in Côte d'Ivoire
UNOMIL	United Nations Observer Mission in Liberia
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution

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Annex A, Indicative questions posed to Protection Clusters/ Humanitarian Country Teams and Peacekeeping Missions

To the extent that civil-military coordination or collaboration has taken place in Country X...

1. ...how has it been used to deliver on the protection of civilians aspects of the Mission X mandate?
2. ...how has it *contributed* to the protection of civilians?
3. ...what *challenges* has it presented for the protection of civilians?
4. ...have there been protection of civilians' initiatives that would not have been possible without coordination/collaboration?
5. ...have there been innovative approaches to coordination/collaboration in relation to the protection of civilians?
6. ...has coordination/collaboration in relation to PoC been systematized/ formalized or conducted on an *ad hoc*/informal basis (e.g. is the Mission represented in the Protection Cluster; is there an agreed division of roles and responsibilities; are there joint protection strategies including peacekeeping actors; reason for choosing to conduct coordination/collaboration on this basis)?
7. ...has civil-military coordination/collaboration in relation to PoC been more advanced / useful in the planning or implementation stage?
8. ...could you give examples of successful coordination/collaboration for physical protection of civilians?
9. ...could you give examples of successful coordination/collaboration for establishing a protective environment?
10. ...could you give examples of aspects of PoC which are better served by coordination than collaboration or vice versa?