



**CHALLENGES OF STRENGTHENING THE
PROTECTION OF CIVILIANS IN
MULTIDIMENSIONAL PEACE OPERATIONS:
CONSOLIDATED RECOMMENDATIONS FROM
THE BACKGROUND PAPER**

by

William J. Durch and Alison C. Giffen

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PART I: PROTECTION OF CIVILIANS IN UN PEACEKEEPING OPERATIONS— A COMMON STRATEGIC VIEW?

Recommendations:

- Effective Protection of Civilians (POC) planning and implementation requires accurate situational awareness based on timely and effective information. The current lack of an operational definition and guidance on POC has knock-on effects for strategic-level planning. For example, Technical Assessment Mission (TAM) reports, on which the UN Secretary-General's report is based, and on which mandates are often constructed, have generally failed to address POC in a holistic manner. Guidance should be created detailing what TAMs should look for in regard to POC and TAMs should include a POC specialist. Subsequently, a POC mandate by the United Nations Security Council (UNSC) should reflect the cross-cutting protection requirements identified by the TAM team, and assign sufficient resources to ensure that protection can be achieved.
- Indicators for success in POC mandated missions do not yet exist. As requested in S/Res/1894, benchmarks for success for POC should be developed at the strategic level and inform metrics and indicators developed by mission components at the operational and local level. Guidance should be developed by the UN Department of Peacekeeping Operations/Department of Field Support (DPKO/DFS) in this regard. Missions should report progress on their respective mission-wide protection strategy and/or POC mission directive (as detailed in Part III below).
- Gathering lessons learned on information management and expectation setting could also be synthesized into guidance for missions.
- There is still a lack of consensus within the UNSC, and in particular among the Special Committee, on how proactive a mission should be on protection and what assets it will require to protect itself and civilians. Nevertheless, missions continue to be deployed into environments of generalized violence and/or active armed conflict. As recognized in S/Res/1894 and the March 2010 Special Committee report, the Secretariat should continue to review whether concept of operations (CONOPS) and resources are adequate for missions mandated to protect. Such a review could help to facilitate consensus. However, in the absence of such a consensus, the knowledge learned from the review should be used internally by the Secretariat to better prepare missions for POC.

PART II: HUMANITARIAN AND REGIONAL PROTECTION PERSPECTIVES

Recommendations, Humanitarian Perspective:

- Guidelines for humanitarian protection are based on International Humanitarian Law (IHL), human rights, and refugee law. As recognized in the UNSC Aide Memoire on POC, humanitarian protection provides the basis for the successful implementation of POC mandates. UN peacekeeping missions should develop mechanisms to coordinate protection efforts of actors within the mission and (as appropriate) liaise, coordinate and/or collaborate with humanitarian coordination mechanisms external to the mission.
- In order to facilitate the above recommendation, and per existing UN Inter-Agency Standing Committee (IASC) civil-military guidelines, UN peacekeeping missions should develop protection frameworks and strategies that allow humanitarian and other protection actors outside the mission to engage in different ways and at different degrees of proximity to a mission, consistent with existing humanitarian strategies.
- UN peacekeeping operations should ensure that “comprehensive” or “mission-wide” strategies for POC (discussed in subsequent sections of this paper) include guidelines for information collection and sharing within and external to the mission that in turn reflect victim protection and related guidelines to ensure that information sharing does not put vulnerable sources at risk. Further, information that has been synthesized and aggregated by the mission should be shared as appropriate with protection actors within and external to the mission. Mission personnel should be trained to implement the guidelines.
- Agencies tasked with coordinating humanitarian protection activities such as the UN High Commissioner for Refugees (UNHCR, the lead for the global protection cluster) and the UN Office for the Cooperation of Humanitarian Affairs (OCHA) should facilitate better communication and coordination between humanitarian and other protection actors on the one hand and UN peacekeeping missions on the other. This should occur at the global, operational, and local level.

Recommendations, Regional Peace and Security Initiatives:

- UN and regional organizations should work together to ensure that developing concepts, guidance and training are complementary to a) learn from best practices, b) promote a common definition and understanding of the concepts, roles, and responsibilities, and c) ensure greater interoperability when handing over or working in support of another mission.
- Regional organizations should develop their own guidelines and concepts for POC and correlative guidance for the strategic and operational-level to enable appropriate planning, resourcing and training. As far as possible, these should be consistent with extant UN practices, and where necessary help advance UN practices where the latter have been proven ineffective or doctrine is non-existent.

- Regional peace support operations have a better chance of success in POC when they include non-military components with objectives that address both short-term and longer-term protection needs, including root causes of threats.
- Mission personnel should receive protection training from senior leadership across the mission and down the cascading leadership structures to enable their contribution to developing and implementing the strategy (see Part III).

PART III: APPLYING PROTECTION IN UN MISSIONS

Recommendations:

- The Security Council, Secretary-General, and UN Secretariat together should ensure that heads of mission develop comprehensive mission-wide protection strategies in consultation with appropriate stakeholders. Component leaders at the local level should also develop comprehensive protection strategies. The variances between current operational-level POC guidance from MONUC, UNMIS, and UNAMID demonstrate the need for a strategic framework or guidance from the Secretariat that ensures strategies meet minimum requirements but allow for enough flexibility to reflect the specific mandate and needs on the ground.
- Missions should ensure effective communication and coordination mechanisms which seek to provide a coordination framework for protection stakeholders within the mission. This should also include frameworks to liaise with external actors as appropriate to share information, identify needs and gaps and coordinate responses when appropriate. This may be done through the protection cluster or other appropriate mechanisms specific to the local and country context.
- POC strategies should include tools and guidance on how local-level mission leaders and actors can identify and manage risks and consequences of action and inaction related to protection threats and vulnerabilities. As explored in Part I, these strategies should also include indicators for success and a plan for public information campaigns and managing expectations related to POC.
- Given the critical importance of effective information sharing and analysis, POC strategies should include guidance on the collection and sharing of information (as appropriate) within and external to the mission in order to safeguard sensitive information that could put individuals and organizations at risk and to encourage timely and wide dissemination of synthesized information to diverse protection actors.
- Effective leadership is critical to POC. Given that effective protection described above requires a) communication and coordination across and at every level of a mission, and b) effective leadership and management of resources and risks across and at every level of the mission, mission leaders at every level should receive POC training on identifying protection vulnerabilities and threats; effective information collection and analysis; and sharing, identifying, and managing risks of action and inaction.

PART IV: MILITARY AND POLICE REQUIREMENTS FOR EFFECTIVE IMPLEMENTATION OF PROTECTION OF CIVILIAN MANDATES

Recommendations, Common to Military and Police:

- Additional guidance and training is needed in relation to when and how armed uniformed personnel can and should use force in the protection of civilians and what imminent threat means in context. Further, additional guidance is needed to help uniformed personnel identify and manage the risks and consequences of action and inaction in using force to protect civilians.
- POC should be considered within the earliest stages of the planning process, including in the development of CONOPS and throughout the force generation process.
- The military and police components of a mission must coordinate operations and reach agreement on what thresholds of disorder indicate military lead of joint operations and which indicate police lead.
- Missions must develop a systematic approach to collecting and analyzing information. Military observers and police should have close ties with the mission Joint Mission Analysis Center (JMAC) and UN peacekeeping mission or humanitarian coordination mechanisms (e.g. the protection cluster as appropriate).
- Military and police components should engage in contingency planning and undertake commensurate scenario-based training (with each other, with other civilian mission components, and with external protection actors as appropriate).
- Effective protection requires flexibility and reserve military and FPU capacity for rapid response. Similarly, reserve military units should be trained, equipped, and available on short notice to back up formed police units in situations where public disorder threatens to escalate beyond police control.

Recommendations, Military:

- Additional guidance (ideally doctrine) and training is needed to clarify the spectrum of postures and activities that a military can employ in protecting civilians and how the use of force may differ when protecting civilians versus undertaking other traditional military or peacekeeping activities. This should include an understanding of how to identify and manage tensions and trade-offs between short and long-term goals and the risks and consequences of action and inaction.
- Additional guidance should be developed to assist military components in addressing protection threats in dispersed rural populations and in densely populated urban areas and inside IDP camps if/when violence exceeds civilian/police capability.
- Military components should be capable of gathering human, visual, and imagery intelligence from the field to inform superior commanders and the JMAC. Intelligence personnel will need to understand what information to look for and

- report for protection purposes that may differ from other intelligence tasks, including what civilians are vulnerable and why, who is perpetrating threats or abuse and why, etc.
- Military leaders at every level of a mission and their troops should understand what protection means in practice. Troops are generally aware that they must refrain from taking life in an extrajudicial or arbitrary manner and in a situation of armed conflict they are proscribed from targeting civilian populations and from indiscriminate targeting that could result in detrimental harm to civilians. However, military actors are less clear on whether, when, and how they are obliged to take action to prevent and respond to the targeting of civilians.
 - On the whole, the mission must develop an understanding of the threats that civilians face and must align and weave coordinated activities and tactical actions toward the goal of protecting civilians. In order to do so, the military component, in coordination with other components, must create a strategy, collect and analyze information, and plan for worst case scenario crises.

Recommendations, Police:

- To use of UN police components to implement POC:
 - Police components need sufficient *mission operational language capability* for police leadership to communicate directly with deployed mission police personnel engaged in protection operations.
 - Mission directives on use of force (including coercive tactics, less-lethal weapons, temporary detention, and use of firearms, in extremis) must authorize response to imminent physical threats directed toward civilian third parties.
 - Police components must have sufficient intelligence gathering and analysis capacity to track organized crime and other potential sources of public insecurity and help to build host state police intelligence capacity; reliable and secure communications capacity; and a reliable and secure database to track and collate threats to individuals, groups, or locales.
 - Police components must have personnel specially trained and prepared on a standardized criminal information analysis methodology.
 - PCCs' caveats on UN operational employment of their personnel must allow their engagement in POC operations.
 - *Appropriately trained, proficient and disciplined* Formed Police Units (FPUs) should be considered for perimeter security at IDP/refugee camps that are not subject to military-pattern violence, and for intra-camp or neighborhood security against, for example, criminal gangs.
 - Missions should maintain an FPU rapid response element to assist UN police (UNPOL) who encounter situations of imminent physical threat to themselves or civilians on a scale that requires FPU backup.

- To work with host state police and population on POC issues, UNPOL:
 - Needs sufficient *local language capability* to enable effective interaction with the local population on the street in real time.
 - Should use advisory/mentoring mandates to advance POC concepts and encourage local police to pay greater attention to public needs and fears, as developing a culture of responsiveness is a critical step in transforming a police service and generating public inputs that help solve crimes.
 - Should convey to host state police that their institutional and individual interests are served in being seen as impartial guardians of public order.
 - Should encourage host state police to interact with civil society groups at several levels to encourage two-way communications.
 - Should use high-level demarches with the host state and donors to ensure that police are paid.

PART V: CONFLICT PREVENTION, HUMAN RIGHTS, AND THE PROTECTION OF CIVILIANS: CIVILIAN MISSION STAKEHOLDERS

Recommendations, Conflict Prevention:

- To protect civilians in mission areas from partial or total relapse of conflict, missions require:
 - Continuing, high-level political attention from regional powers and major development donors to ensure that signatory parties live up to their peace agreement obligations and that neighboring states do not undermine implementation;
 - Effective and well-led military components willing to engage violent political spoilers and criminal enterprises—which in some settings may be the same groups; and
 - Incentives for peace to present to local parties that dominate incentives for war and criminal enterprise; these may include sanctions on neighboring states that participate in or benefit from resource smuggling and mission strategies to deal with illicit resource exploitation at the source.

Recommendation, Combating Sexual Violence:

- Heads of Mission, in collaboration with major donors, should strongly encourage host governments to investigate and punish sexual and gender-based violence, offer assistance in conducting such investigations, and lay out consequences for failure to deal with the problem, especially where perpetrators are members of security forces who prey on those they should be protecting.
- DDR should build counter-predatory counseling into its demobilization process and use “Second Generation” concepts to give receiving communities the abilities to manage influxes of former fighters de-socialized by war.
- Peacekeeping operations can reinforce the status of women in post-war settings, and the higher the status of women where peacekeeping missions work, the higher the probability of peacebuilding success; protection is thus not only a moral imperative but an operational necessity for sustainable peace.

Recommendations, Human rights monitoring, investigation, and witness protection:

- Mission human rights components should have the capability to investigate—in a thorough, professional, and timely fashion—instances of serious human rights violations and alleged atrocities for later prosecution or transitional justice proceedings;
- Human rights components should build reliable support networks with civil society to protect victims of and witnesses to human rights violations and, as necessary, human rights defenders.

PART VI: THE IMPORTANCE OF THE RULE OF LAW IN THE PROTECTION OF CIVILIANS

Recommendations, “Speed Counts”:

- Justice looks forward as well as back; as countries struggle to deal with their populations of former fighters and other legacies of war, missions should encourage critical justice institutions to improve their performance and treat their constituents in a way that lays the groundwork for the faith and trust that the rule of law—and sustainable peace—ultimately will require.
- The process of rebuilding respect for the institutions of justice cannot wait until peace is assured; in some cases, justice is not an obstacle to sustainable peace but a necessary component for achieving it.

Recommendations, “Following the Money”:

- Twinning of national officials and international monitor/mentors with joint authority over expenditures helps to ensure that funds meant for services and institutions engaged in the POC actually reach their intended destinations, so these institutions can function and their personnel are paid. Where official corruption has been or is judged to be a serious problem, such an approach can promote more effective governance and more effective protection.

Recommendations, Police, Courts and Corrections:

- The best thing the international community could do to improve a meager track record in criminal justice support, and especially interim justice and security, is to reach common agreement on minimum standards of practice and on fallback arrangements when those standards cannot readily be applied in a given situation.
- Measures for police should include reconstitution of pay systems with close accounting of allotments and monitoring to deter kickbacks to superiors; basic police literacy training (with financial incentives to participate); and promotion of “evidence-based management.”
- Missions should consider the potentially high multiplier effect on justice system functionality of close protection for judges and their immediate families, and similar protection—or, at minimum, assurance of steady pay—for court registry officials.
- Mission assistance with court record keeping and basic administration may be more valuable as protection for accused persons than other, more elaborate and costly measures.
- Missions should train local defense lawyers to petition magistrates or equivalent judicial officials with evidence of length of detention in violation of host state law to promote release and reduction of pre-trial crowding.
- Work with corrections leadership to improve record-keeping on detainee and

- prisoner populations; refer mismatches to public defender program, above; offer basic literacy programs for corrections officers who lack functional literacy.
- Where government police and courts do not reach or reach infrequently, missions should work with quasi-public community security and justice processes where conditions are sufficiently stable to permit them to function.
 - Engage and encourage the empowerment of informal community justice arrangements to promote reintegration of, and/or transitional justice measures for, ex-combatants.